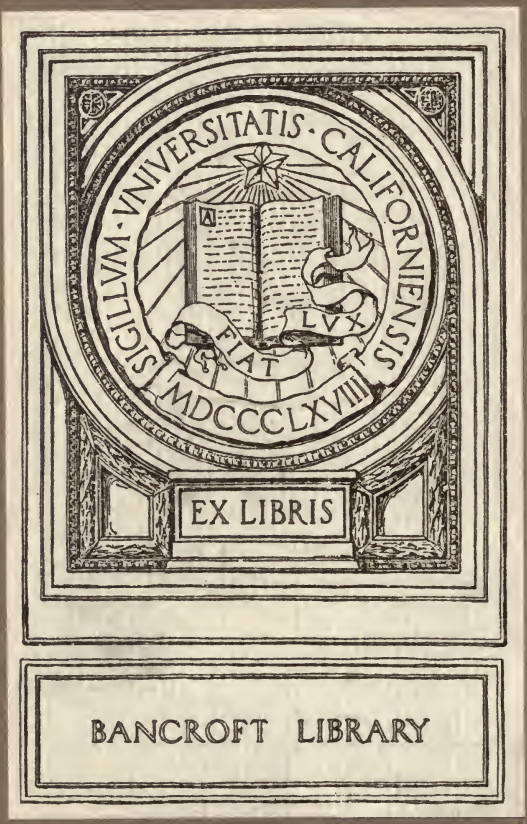


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# MESSAGE

FROM THE

## PRESIDENT OF THE UNITED STATES,

ACCOMPANYING A REPORT TO HIM

FROM

## THE SECRETARY OF STATE,

AND SUNDRY DOCUMENTS

RELATIVE TO THE AFFAIRS OF THE UNITED STATES

ON THE

# MISSISIPPI;

THE INTERCOURSE WITH THE

## INDIAN NATIONS,

AND

THE INEXECUTION OF THE TREATY

BETWEEN THE

## UNITED STATES AND SPAIN.

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23d *January*, 1798,

Ordered to lie on the Table.

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Published by order of the House of Representatives.

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# MESSAGE.

Gentlemen of the Senate, and
Gentlemen of the Houſe of Repreſentatives,

*AT the commencement of this ſeſſion of Congreſs, I propoſed in the courſe of it, to communicate to both Houſes, further information concerning the ſituation of our affairs in the territories of the United States ſituated on the Miſſiſippi river, and its neighbourhood,—our intercourſe with the Indian nations,—our relations with the Spaniſh government, and the conduct of their officers and agents: This information will be found in a report of the Secretary of State, and the documents attending it, which I now preſent to the Senate and Houſe of Repreſentatives.*

JOHN ADAMS.

UNITED STATES,
*Jan.* 23d, 1798.

# REPORT.

*To the* PRESIDENT *of the* UNITED STATES.

IN obſervance of your directions I have reviſed the communications from Mr. Ellicott, the Commiſſioner of the United States at the Natchez, ſince my Report of the 3d of July laſt, which, with the documents therein referred to, you, on the ſame day, laid before Congreſs; and now reſpectfully ſubmit to you a ſtatement of whatever appears therein to be material.

The laſt letter from Mr. Ellicott, of which a communication was made to Congreſs, bore date the 10th of May laſt. His next, dated the 27th of that month, I received the 24th of Auguſt. In this he mentions that reinforcements were ſent from New-Orleans to the Poſt at Walnut Hills, and that repairs were made on the Fort at the Natchez: That he had received very ſatisfactory accounts from both the Chickaſaws and Chactaws, that for more than eight months paſt, they had been tampered with by the Spaniſh Agents and Traders, to prevent the late Treaty between his Catholic Majeſty and the United States from being carried into effect;—though Mr. Ellicott thinks, without ſucceſs. On the 11th of May, he wrote to Governor Gayoſo deſiring a definitive anſwer, as to the time he would be ready to proceed to the determination of the boundaries between the two Nations, as ſpecified in the Treaty;—to which he received an unſatisfactory anſwer. On the 16th, he addreſſed to Governor Gayoſo a retroſpective view of their correſpondence, and of that with Lieutenant Pope, exhibiting the repeated promiſes and demonſtrations of running the boundary Line and evacuating the Poſts—the non-performance of thoſe promiſes—and the varied pretences for the delay. To this detail of unfulfilled engagements and contradictory meaſures, the Governor anſwered Mr. Ellicott on the 17th, "That he ſhould not trouble him with juſtifying the motives which had cauſed *ſome diſagreement* in his (the Governor's) communications;" adding however, that "they were far from being inſincere."

In his next letter dated the 4th of June, Mr. Ellicott mentions that "The Citizens of the United States who are trading on the Miſſiſippi are frequently treated with great inſolence, at the Spaniſh Poſts, and their property taken for the uſe of his Catholic Majeſty, when wanted, and always at a reduced price." He inſtances the caſe of a Mr. M'Cluny, from whom a large quantity of flour was thus taken at the Walnut Hills—and of Francis Baily, who was compelled to receive as Caſh, in payment for goods ſold, a ſpecies of paper, which was paſſing at a diſcount of twelve per cent.

With this letter Mr. Ellicott tranſmitted the copy of a Proclamation by the Baron de Carondelet, Governor General of Louiſiana, bearing date at New-Orleans the 24th of May; and ordered to be publiſhed. In order to diſſipate reports, which had alarmed the inhabitants of the Natchez, the Baron therein declares "That the ſuſpenſion of the demarcation of the limits, and the evacuation of the Forts, which will be comprehended on the other ſide of the line, is at preſent only occaſioned by the imperious neceſſity of ſecuring Lower Louiſiana from the Hoſtilities of the Engliſh, who (he ſays) without regard to the inviolability of the Territory of the United States, have ſet on foot an expedition againſt Upper Louiſiana, which they cannot, however, attack without traverſing the aforeſaid Territory." But he ſuggeſts, that if they made themſelves maſters of the Illinois Country, they would then attack Lower Louiſiani. This fabulous expedition of the Engliſh from Canada is thus made the pretence for the non-execution of the Treaty on the part of Spain. "We have thought proper (ſays the Baron) to put the Poſt of Walnut Hills in a reſpectable but proviſional ſtate of defence, until the United States, informed of theſe motives, by the Miniſter Plenipotentiary of his Majeſty to whom we have communicated them, provide againſt theſe inconveniences; and by taking the proper ſteps to cauſe the Territory to be reſpected, ſhall put in our power to fulfil, without danger, the articles of the Treaty concerning limits."

In this Proclamation, the information of the Engliſh expedition is repreſented as having been communicated by the Baron de Carondelet to the Spaniſh Miniſter in the United States; but in his next Proclamation, one week afterwards (May 31ſt) he ſets forth that he had received from that Miniſter information of the expedition from Canada, and, therefore, "had judged it neceſſary for the ſurety and tranquility of Lower Louiſiana, to ſuſpend the evacuation of the Poſts of Natchez and the Walnut Hills." And as early as the firſt of May, Governor Gayoſo, in a letter to Mr. Ellicott, publiſhed with the

other documents laid before Congreſs, at the laſt ſeſſion, aſſigns the information before that day received by the Baron from the Spaniſh Miniſter, of the above pretended expedition, as the reaſon for holding the Poſts, and putting them in a ſtate of defence; particularly the Walnut Hills. In the ſame Proclamation (of which a copy No. 1. is annexed) the Baron affects to conſider the march of a detachment of American troops from the Ohio to the ſtate of Tenneſſee, while it has been intimated, as he ſays, to the Militia of Cumberland to hold themſelves ready to march at the firſt notice, as an evidence of a hoſtile attack intended, even by the United States, on Louiſiana.

The pretences for holding the Poſts in queſtion, and delaying to run the boundary line, having varied from time to time, it may be proper to preſent them in one view.

—In the month of March—

1ſt. That it was uncertain whether the Forts, when evacuated were to be demoliſhed or left ſtanding.

2d. That it was neceſſary to ſecure the real property to the Inhabitants. And both theſe points, it was ſaid, muſt be adjuſted by a negociation between the two Governments of Spain and the United States, prior to the evacuation of the Poſts.

3d. That they muſt be retained until the Spaniſh officers were ſure the Indians would be pacific.

—On the 24th of May—

4th. The Engliſh Expedition from Canada, which could not proceed without violating the Territory of the United States.

But in the Proclamation of this date, the putting of the principal Poſt, that of the Walnut Hills, in a ſtate of defence was declared to be only proviſional, and until the United States ſhould cauſe their Territory to be reſpected.

5th. On the 31ſt of May, the Baron's ſecond Proclamation repeats the ſame pretence, the Engliſh expedition, and adds a new one, That the United States were marching troops, and preparing the militia to take the Spaniſh dominions by ſurprize. Further motives are alſo aſſigned—anterior menaces by the Commiſſioner Mr. Ellicott and of Lieutenant Pope and the expected rupture between the United States and France. And new conditions are now mentioned to be performed by the United States, viz: That they ſhould, as a neceſſary evidence that they have no hoſtile intentions againſt the Spaniſh Provinces, either leave the Poſt of the Natchez, or the Walnut Hills, in poſſeſſion of Spain as "The only bulwarks of Lower

Louiſiana to ſtop the courſe of the Britiſh"; or give to the Spaniards "Security againſt the article of the Treaty with Great-Britain which expoſes Lower Louiſiana to be pillaged and deſtroyed down to the Capital. Then (ſays the Baron) we will deliver up the ſaid Poſts, and lay down our arms, which they (the United States) have forced us to take up, by arming their militia in time of peace, and ſending a conſiderable body of troops by round-about ways to ſurprize us."

Pretences more frivolous, or more unfounded and unwarrantable, were perhaps never urged as reaſons to excuſe a violation of the faith of Treaties. Never, perhaps, was conceived a more abſurd idea, than that of marching troops from the Ohio to the State of Tenneſſee, and thence to the Natchez, in the whole a tedious, difficult, and expenſive route of many hundred miles, chiefly through a wilderneſs;—when, if the United States had any hoſtile views, they had only to collect their troops to the Ohio, and ſuffer them to be floated down that River, and the Miſſiſippi, almoſt without labour, with great expedition and at ſmall expence, to the country to be attacked. But the ſuggeſtion is as falſe as it is abſurd.

Neither does any article of the Treaty between the United States and Great-Britain (the Baron doubtleſs means the Treaty of 1794) nor the explanatory article of 1796, give to Great-Britain any new right reſpecting the navigation of the Miſſiſippi, and conſequently do not expoſe, more than it was before expoſed, Lower Louiſiana to be pillaged and deſtroyed by the Britiſh. But this queſtion having being fully diſcuſſed in my letter of the 17th of May laſt to the Spaniſh miniſter, and his reaſoning demonſtrated (as I conceive) to be utterly unfounded, it would be a waſte of time to add any further obſervations upon it.

If the poſts of the Natchez and Walnut-Hills "are the only bulwarks of Lower Louiſiana, to ſtop the courſe of the Britiſh," as the Baron aſſerts, and if, therefore, Spain is juſtifiable in holding them—ſhe may retain them without any limitation of time—for her ſecurity in any future war, as well as in that which now exiſts. But this, like all the other reaſons which have been before advanced, is merely oſtenſible. The true reaſon is doubtleſs developed by the Baron in his proclamation of the 31ſt of May. *The expectation of an "immediate rupture between France, the intimate ally of Spain, and the United States."*

The Spaniſh miniſter having reſumed this ſubject in his letter to me of the 11th of July, his own printed tranſlation of it, and my anſwer of the 8th of Auguſt, are hereto annexed; together with his letter of the 19th of Auguſt, acknowledging the

receipt of that anſwer, and his two ſubſequent letters of the 9th of October and 21ſt of November. With the laſt it ſeems proper to lay before you a paper ſigned VERUS, which appeared in the Aurora, printed by Benjamin Franklin Bache, on the morning of the 23d, containing in ſubſtance his letter of the 22d, which I received the preceding evening, and ſome additional expreſſions which the Miniſter himſelf deemed too groſs to be addreſſed to the government under his proper ſignature; but which, under the circumſtances here mentioned, muſt neceſſarily be aſcribed to him.

In his next letter, Mr. Ellicott gives an account of an inſurrection of the inhabitants of the Natchez. A minute detail of the circumſtanes which gradually tended to produce this event, he ſays, would fill a volume. The following relation is extracted from his letter of June 27th. "The delay (ſays he) on the part of the Spaniards, to carry the late Treaty between his Catholic Majeſty and the United States into effect, gave great uneaſineſs, which was daily increaſed by the Spaniards reinforcing and repairing the Fort at this place and the Walnut Hills. The people conſidered thoſe preparations as a determination on the part of Spain to retain the country, notwithſtanding the late Treaty. A diſpoſition was frequently manifeſted to reſiſt the laws of Spain; but they were, nevertheleſs, ſubmitted to without a direct oppoſition, until Friday the 9th inſtant, when a Mr. Hannan, a preacher among the Baptiſts, was taken on ſome trivial pretence, and confined by his legs in a ſmall building within the fort. This was conſidered as an attack upon the privileges of the citizens of the United States (Mr. Hannan being one) and a determination, at all events, to enforce the laws, civil and religious, of Spain, with rigour. Under this impreſſion the inhabitants flew to arms, and the Governor and principal officers of government took refuge in the Fort. Thus in leſs than ten hours, by an unneceſſary exertion of power, the authority of the Governor was confined to the ſmall compaſs of the Fort."

"Saturday the 10th, the oppoſition to the Spaniſh Government had extended almoſt over the diſtrict. Sunday the 11th, a number of enterpriſing oppoſers of the Spaniſh Government called upon Lieutenant Pope and myſelf, and declared their determination of commencing hoſtilities, in conſequence of the impriſonment of Mr. Hannan, and a proclamation of the Baron de Carondelet (that of the 31ſt of May before mentioned) *which they conſidered as a declaration of war againſt the United States:* To oppoſe them directly would have put an end to our influence in the Country; and to encourage them, in

my opinion, would have been improper, as the United States had not extended their jurisdiction to this district. I, therefore, on my part, resolved to do neither; but, to divert their attention from immediate acts of hostility, proposed to them, to make a formal declaration of their being, by the late Treaty, Citizens of the United States, that they might have some claim to protection; but at the same time not to lose sight of their personal safety, and act on the defensive only. This had the effect I expected. On the Evening of Monday the 12th, Mr. Pope and myself received a verbal message from Governor Gayoso, by his Adjutant Major Minor, to the following purport, "Gentlemen, Governor Gayoso requests the favour of an interview with you, all as private Gentlemen: the interview to be without the Fort, to see if some plan cannot be devised to quiet the present disturbance in the Country." To this message I replied, that "I had no objection to the proposed interview, that I approved of peace, and would join in any measures for that purpose, consistent with the honour and safety of the people, who generally considered themselves Citizens of the United States." Mr. Pope's answer was very different, and to the following effect. "You will please to inform Governor Gayoso that I will not agree to the interview, nor have any correspondence with him, but what shall be official; and I will repel by force, any attempts that are made to imprison those who claim the privileges of being Citizens of the United States." As the message was jointly to Mr. Pope and myself, and Mr. Pope would not attend, I informed Major Minor that I should not attend alone. All my address was now exerted to avert the storm, and bring it to a favourable issue; and I could see no mode so likely to answer the purpose, as measures apparently decided. Under this impression, about 10 o'Clock in the Evening, after Major Minor had been with us, I entered my approbation to a letter written by Mr. Pope to a large number of the Inhabitants of this district, assembled at a Mr. Belt's, about nine miles from this place*. On the morning of the 13th, I received a letter (No. 2.) from Governor

* This letter from Lieutenant Pope has since been transmitted by Colonel Anthony Hutchins of the Natchez, to the Department of State, and is as follows.

"Natchez Camp 12th June 1797.

"Fellow Citizens of the District of Natchez.

Having received information that a number of you will be collected at my friend Belt's, in conformity to an indirect invitation sent to you for that purpose, I have now positively to make the declaration to you that I have made this evening to Governor Gayoso, that I will at all hazards protect the Citizens of the United States from every act

Gayoſo, to which I immediately returned an anſwer (No. 3.) The enſuing evening about 11 o'clock, I received a verbal meſſage, by Mr. George Cochran, contractor for the United States at this poſt, from Governor Gayoſo, requeſting a private interview with me at the Houſe of Mr. Cochran (which is in the neighbourhood of the fort) at 9 o'Clock the next morning: to this I had no objection, as I ſuppoſed the object of the interview was to fall upon ſome plan of an accommodation. The next morning, being the 14th, I met Governor Gayoſo, according to his requſt. He appeared much agitated at firſt, but ſoon became calm, and we entered upon the ſubject of the tumult in the Country: He was deſirous to know upon what terms the people would be willing to diſperſe. I propoſed the outlines of an accommodation, to which he acceded. In order to prevail on Mr. Pope to conſent to an interview with Governor Gayoſo, I ſpoke to Mr. Cochran and ſeveral other of his friends, whoſe influence prevailed, and the interview took place at the Government Houſe, about 5 o'Clock in the afternoon; when, after ſome diſcuſſion, the Governor propoſed the terms (No. 4) on which he was willing to accommodate with the people: Mr. Pope had ſome objections, but at length withdrew them. On Wedneſday morning the Governor publiſhed the Proclamation (No. 5.) founded in part upon the terms which were agreed upon at our interview. But this Proclamation had not the deſired effect; in ſome places it was torn to pieces. The words "Candid repentance," rendered the whole obnoxious.—The people conſidered themſelves not only Citizens of the United States, but ſupporting a virtuous and honourable cauſe; and, therefore, in no need of "repentance". As ſoon as I diſcovered that the Proclamation had

of hoſtility—I mean all ſuch as reſide North of the 31ſt Degree of North Latitude, or within thirty nine miles due South of the Natchez. I now therefore, call on you in the moſt ſolemn manner, to come forward, aſſert your Rights, and you may rely on my ſincere corroboration to accompliſh that deſirable object.

I ſhall expect your aſſiſtance to repel any troops or hoſtile parties that make an attempt to land for the purpoſe of reinforcing this Garriſon or other purpoſes detrimental to the Inhabitants of this Country.

PIERCY S. POPE
Commanding U. S. Troops, Natchez.

From the preſent alarming ſituation of this Country I fully approve of Captain Pope's letter of this date to his Fellow-Citizens aſſembled at Mr. Belt's.

ANDREW ELLICOTT.
Commiſſioner U. S. 12th June, 1797.

A true Copy, Examined per

THOMAS M. GREEN.

no effect, I gave the information to the Governor's Adjutant, Major Minor. The buſineſs now put on a very ſerious aſpect, and hoſtilities appeared inevitable. By this time the oppoſition to the Spaniſh Government had aſſumed ſome form ; a number of reſpectable militia companies had elected their officers, and were ready to take the field. Friday the 16th, it was agreed that a meeting of the principal Inhabitants of the diſtrict ſhould be held at Mr. Belt's on Tueſday the 20th. In the mean time both ſides continued their preparation. Companies of militia were forming and organizing in the Country ; and the Governor exerting himſelf by ſtrengthening and reinforcing the Fort. He called to his aid every perſon who would join him, either through attachment or fear : he was, nevertheleſs too weak to attempt any offenſive operations. On Saturday, the 17th, about 10 o'Clock at night, a Spaniſh patrole fell in with a patrole from our Camp, and fired upon it, the fire was returned ; but I believe that there was no damage done. On Sunday Evening, the 18th, I received a verbal meſſage from the Governor, by his Adjutant, Major Minor, requeſting a private interview with me the next morning, at the Houſe of his Adjutant ; to which I conſented without any heſitation. The next morning he left the fort and rode by a circuitous route to the Adjutant's place, where I joined him. Our converſation immediately turned upon the State of the Country ; he aſſured me that he was very deſirous of coming upon ſome terms of accommodation ; and as he underſtood that I intended to attend the meeting the next day at Mr. Belt's, he requeſted that I would be ſo good to uſe my influence to bring about a compromiſe. I told him that was my object ; and that a plan had already been agreed upon by Colonel Hutchins and myſelf, to check, and finally put an end to the preſent diſturbance ; but no terms could now be expected that were not honourable for the people : they had felt their ſtrength, and would only agree to return home by being admitted to enjoy a ſtate of neutrality, ſo far as it reſpected military operations, till the late treaty between his Catholic Majeſty and the United States ſhould be carried into effect. To this privilege I thought them entitled ; but to go farther would be impolitic, and probably attended with ruin to individuals, if not to the Diſtrict. As the Governor did not appear diſſatisfied with my obſervations, I took it for granted he would agree to a qualified neutrality.—On Tueſday the 20th, I attended the meeting at Mr. Belt's, which was large and reſpectable.

Here it was concluded that a Committee ſhould be appointed to take the ſituation of the Country into conſideration, and make arrangements with the Governor for reſtoring peace and

tranquility ; which arrangements ſhould, as a greater ſecurity to the people, be ratified by the Governor General, the Baron de Carondelet. Seven Gentlemen were accordingly elected as the Committee, and Mr. Pope and myſelf were requeſted by the ſame meeting, unanimouſly, to attend with them. The Committee immediately wrote a note to the Governor, informing him of their election ; to which the Governor returned a polite reply ;" expreſſing his happineſs that this ſalutary meaſure was adopted. " On Wedneſday the 21ſt, the Committee met and proceeded to buſineſs ; and after much deliberation and ſeveral interviews with the Governor, the propoſitions (No. 6.) on the 22d, were agreed to, and confirmed by the parties. On the ſame day, Mr. Pope and myſelf preſented the Governor our engagement (No. 7.) to co-operate with the Committee, in preſerving peace and good order in the Country. On the 23d, the Governor's Proclamation (No. 8) embracing the four propoſitions was publiſhed, which gave general ſatisfaction, and once more reſtored tranquility to the Diſtrict: thus ended this tumult, without a ſingle act of violence having been committed during the ſuſpenſion of the Government and Laws, for the ſpace of two weeks. From the Baron de Carondelet's Proclamation of the 31ſt of May, it would appear that I had menaced the Spaniſh Government of Louiſiana. This is wholly a miſrepreſentation, and calculated to anſwer the worſt of purpoſes. Ever ſince I came into this Country I have been a cultivator of peace and harmony between the Spaniſh and American Governments, for which I have been frequently cenſured by many Citizens of the United States, who have come on to this place ſince the ratification of the late Treaty between the United States and the King of Spain.—But when the late tumult began, I could not heſitate as to the part I ſhould take ; and in taking the part I did, peace was my main object. If my endeavours have had the leaſt ſhare in bringing about the honourable compromiſe between the Governor and the people, I ſhall think myſelf amply rewarded for the trouble and anxiety I have experienced on that occaſion."

The agreement between the Committee and Governor Gayoſo, was in due time ratified by the Governor General, the Baron de Carondelet.

Mr. Ellicott, in his letter of September 12th (which was received the 16th of November) mentions that Governor Gayoſo had ſucceeded the Baron de Carondelet as Governor and General in Chief of Louiſiana, and gone to New-Orleans, and had committed the government of the Natchez diſtrict to major Stephen Minor.

His communications relative to the Choctaw nations, ſhew their friendly diſpoſition towards the United States, and determination to remain at peace.

It appears that there is an unhappy diſſention among the inhabitants of the Natchez; one party blaming, and the other decidedly juſtifying the conduct of Mr. Ellicott, as uniformly calculated to maintain the tranquility and happineſs of the ſettlement. At the head of the former is Colonel Anthony Hutchins.

Mr. Ellicott pointedly denies the charge of the Spaniſh Miniſter—That he intended to get poſſeſſion of the Natchez fort by ſurprize; of which the miniſter ſaid Governor Gayoſo poſſeſſed the proofs; and far from evading an inquiry, deſires Governor Gayoſo to furniſh the miniſter with all the evidences he poſſeſſes to ſubſtantiate the charge.

In his next letter, dated the 24th of September, Mr. Ellicott incloſes a reſolution (No. 9.) of the permanent Committee manifeſting their confidence in him, and requeſting him to repreſent the preſent ſituation of the Diſtrict to the Preſident of the United States, and alſo all the meaſures which from his knowledge of the circumſtances of the country, acquired by his reſidence there, he ſhall deem to be conducive to its future welfare; "In the event of the late Treaty between his Catholic Majeſty and the United States, being carried fully into effect."

Mr. Ellicott has accordingly expreſſed his opinion, founded on very cogent reaſons, that the form of government eſtabliſhed for the Northweſtern Territory, will be the moſt proper for the Natchez Diſtrict; with the exception reſpecting *Slaves*, which was admitted when the ſame form of Government was given to the Territory ſouth of the river Ohio, now the State of Tenneſſee. His information in this letter reſpecting the titles to the Lands held in that Country by the Inhabitants, will be uſeful when the introduction of a Government there, under the authority of the United States, ſhall be contemplated.

By the communications in this diſpatch, it appears that the permanent Committee, which are conſidered as an important part in the preſent adminiſtration of the affairs of the Natchez Diſtrict, were choſen freely by the inhabitants, aſſembled with the conſent of the Governor, and that they have his approbation for their ſteady zeal in promoting the peace of the Country.

On the 28th of November, I received Mr. Ellicott's letter of the 7th of October, at which time no change had taken place in affairs at Natchez.

He incloſes the copy of a letter from Governor Gayoſo, dated at New-Orleans the 14th of September, in anſwer to one from

Mr. Ellicott of the 6th, in which he referred to the repreſentations of the Spaniſh Miniſter in his letter to me of the 24th of June laſt (which, with other documents, was laid before Congreſs on the 3d of July) criminating Mr. Ellicott's conduct at the Natchez; particularly that he intended to poſſeſs himſelf of the Natchez fort by ſurprize; and deſired the Governor to furniſh the Miniſter with thoſe proofs which the Miniſter had aſſerted to be in his poſſeſſion. In the Governor's anſwer of September 14th, he ſays to Mr. Ellicott—" I am ſure the proofs in my poſſeſſion, that the Chevalier de Yrujo refers to, are the remainder of the copies of your letters to me, which he then had not, but long before this muſt have received. You may be aſſured I never made any other conſtruction upon your expreſſions than that which may be conceived by every perſon in the United States."

In the ſame letter of September 6th, Mr. Ellicott ſays, " So far as I can judge at preſent, all the obſtacles which occaſioned the delay on your part, in aſcertaining the boundary lines between his Catholic Majeſty's provinces of Eaſt and Weſt Florida and the Territory of the United States are now removed: I, therefore, wiſh to be informed when you can with convenience proceed to the running of the lines above mentioned."

The Governor in his anſwer of the 14th, ſays, " Thoſe difficulties which alternatively have cauſed a ſuſpenſion in the execution of that part of the Treaty between his Majeſty and the United States, in which we have the honor to be concerned, ſubſiſt yet: and the conduct of the Spaniſh officers is completely juſtified to the world, by the publication of Mr. Blount's letter and the correſpondence between the Secretary of State and Mr. Liſton. Until the King, my maſter, has thoſe aſſurances which are neceſſary from the United States, to ſecure the ſafety of this Province, you cannot reaſonably expect that I ſhould be authorized to act in a different manner than hitherto. As ſoon as I receive orders, removing the preſent obſtacles, I ſhall cheerfully proceed to the running of the boundary lines."

To this Mr. Ellicott replied, and recited the obſtacles to the execution of the Treaty which at different times had been preſented by the Spaniſh Governors, and which he conceived to be completely removed by the declaration of the Preſident in his meſſage to Congreſs, on the 12th of June, the uniform conduct of the United States in reſpect to the Indian nations, and the exhibition of facts reſpecting the pretended expedition of the Engliſh from Canada, and the navigation of the Miſſiſippi.

Mr. Ellicott's next letter is dated at the Natchez the 27th of October, and was received the 5th inſtant. He ſays that country " Is in great confuſion;" owing to the intrigues which have

produced two parties among the people. He adds " Congreſs at their laſt ſeſſion, by not coming to any deciſion relative to this Territory, has weakened the intereſt of the United States among the Inhabitants more than you can conceive. It has been artfully propagated, from that circumſtance, that the Treaty in all probability will not be carried into effect, and the country remain as heretofore under the juriſdiction of his Catholic Majeſty:" which belief is producing its natural conſequences.

He repreſents the permanent Committee as unwearied in their endeavours to promote peace and good order, and the characters of its members as among the firſt in that Country for reſpectability; which is confirmed by the Certificate (No. 10) of the temporary Governor, Major Minor; which alſo ſhows that they are acknowledged, as an authorized Body, by the Spaniſh Government.

His next letter is dated at the Natchez the 14th of November, and was received the 4th inſtant. He details the different facts and circumſtances which have led him to think that deſigns are carrying on in the diſtrict unfavorable to the Intereſts of the United States.

Colonel Anthony Hutchins preſented to the temporary Governor an application dated the 9th of Auguſt, ſetting forth, that altho' the Inhabitants in general in their preſent ſtate of Neutrality, are well diſpoſed, and ſubmit " To the preſiding authority and the prevailing laws that are now executed with mildneſs;" yet conceiving and firmly believing that the Treaty between the United States and Spain will be carried into effect, " and that there is *more than a probility that the United States will avail themſelves of the claim of dominion to the 31ſt degree of north latitude:* under which conſideration they conceive it expedient to appoint a man of ſome abilities, with the appellation of agent to addreſs Congreſs on important occaſions, and that there may be alſo a Committee of Safety who may correſpond with ſuch Agent, and from time to time communicate to him the ſenſe and will of the people:" He therefore, " In behalf of a very reſpectable number of the Inhabitants of the Natchez, and at their requeſt, ſolicits for permiſſion that elections may be held in the ſeveral diſtricts within that Province and in the town of Natchez, to elect ſuch Agent and ſuch Committee of ſafety and Correſpondence on the ſecond of September" in the manner deſcribed by Colonel Hutchins in his application. This required that the Alcaldes (or Juſtices) ſhould hold the elections, or in their default certain aſſiſtants, *whom he names;* and that the Alcaldes and aſſiſtants ſhould not be eligible: it alſo propoſed to admit as voters all the inhabitants ſettled and

reſiding in the diſtrict who were "not leſs than *eighteen* years of age."

To this requeſt of Colonel Hutchins, the temporary Governor acceded; as appears by his act (No. 11.) dated the 16th of Auguſt.

"Immediately upon this being made public (ſays Mr. Ellicott) it excited conſiderable alarm, and was generally conſidered by the well diſpoſed inhabitants as an artful meaſure, calculated to divide the people between the two Committees, which if effected, would in all probability end in a breach of the *neutrality* by one or other of the parties, and thereby produce the re-eſtabliſhment of the Spaniſh Government."—Under this impreſſion, ſix of the ten ſub-diviſions, of which this diſtrict is compoſed, proteſted againſt the election, of courſe there were but four elections held agreeably to the permiſſion"—Among the reaſons aſſigned in the proteſts againſt this propoſed election, were theſe; "Becauſe (ſay the proteſters) we dread the effect of ſuch a precedent, which appears to us to involve the ſeeds of anarchy, and an open contempt of the authority inveſted in the Committee, our only legal repreſentatives."—"Becauſe by the mode of election not leſs than thirty of our moſt intelligent and reſpectable citizens are rendered incompetent to ſerve either as the ſaid Agent or in the Committee." "Becauſe it is calculated to introduce a direct innovation in the principles of election, by admitting to the privilege of voting perſons of the age of eighteen"—And "becauſe neither the powers of the Agent nor Committee are properly defined."

Mr. Ellicott ſtates that the four perſons elected in the other four ſub-diviſions, "with Colonel Hutchins at their head," proceeded to buſineſs. Afterwards another member was added by the nomination of ten voices in one ſub-diviſion; and a ſixth was appointed by the *ſubſcription* of fewer than thirty perſons. The committee thus conſtituted, produced a very long "Petition and memorial" addreſſed to the "Houſe of Repreſentatives of the United States in Congreſs aſſembled," of which Mr. Ellicott has tranſmitted a copy; but of which it does not ſeem neceſſary to anticipate the preſentation to Congreſs by the agent to whom it may for that purpoſe be committed. One object of the memorial ſeems to be to criminate the conduct of the American Commiſſioner, Mr. Ellicott, and the commander of the troops, Captain Pope. But proofs accompany Mr. Ellicott's communications that this part of the long memorial was concealed from many who ſubſcribed it, and other teſtimonies in vindication of thoſe officers. The exhibition of theſe documents, I have thought might alſo be ſuſpended, until the

"Petition and memorial" were preſented to Congreſs. It may, however, be proper to remark, that the memorial, as well as the proceedings of the regularly appointed permanent committee, view the actual eſtabliſhment of a government at the Natchez, under the authority of the United States, as to take place only when its preſent ſtate of neutrality ſhall ceaſe; that is, when the Spaniſh juriſdiction ſhall be withdrawn. But as this may happen when Congreſs is not in ſeſſion, and, if in ſeſſion, much time muſt elapſe in the ordinary courſe of doing buſineſs, before the form of government proper to be introduced at the Natchez may be agreed on; conſidering alſo the further lapſe of time before it can be organized, and put in operation, in a country ſo remote from the ſeat of the general government: it appears highly expedient that the ſubject ſhould now be taken up, and the neceſſary arrangements made, to prevent the inconveniences and miſchiefs which may reſult from leaving a population of five thouſand perſons, for any length of time, without the powers of government.

It remains for me to make a few remarks on the letters of the Spaniſh miniſter of the 9th of October and 21ſt of November.

The principal object of the former, appears to be, to introduce ſome evidence to ſhow that Mr. Ellicott and Lieutenant Pope had conducted towards the Spaniſh government in a manner irregular, provoking, inſulting, and in ſome degree hoſtile. He adduces, as proofs, the documents incloſed in his letter, and numbered from 1 to 6.

The declaration that Governor Gayoſo had poſitive advice that in the camp of Lieutenant Pope, *ſcaling ladders and arms were preparing*, having for their object an aſſault on the Natchez fort, is perfectly new. I have never received an intimation of it from any other quarter. Beſides, this charge reſts only on "poſitive *advice*," not poſitive *proof*—and is doubtleſs without any proof.

Governor Gayoſo, in his letter of the 13th of June to Lieutenant Pope, ſays he is informed that ſome of the inhabitants intended to attack the fort; and at his inſtigation; and aſks whether he had ſtirred up the people to take the fort? or incited them to other hoſtile acts? To each of which queſtions Lieutenant Pope poſitively anſwers, no. To ſimilar queſtions put to Mr. Ellicott he alſo peremptorily anſwers in the negative. The documents which the miniſter himſelf has furniſhed contain theſe queſtions and anſwers; and ſhould have prevented the inſinuation here noticed.

The other charge in the ſame paragraph, that Mr. Ellicott and Lieuteuant Pope, diſcouraged by the firmneſs and vigilance

of Governor Gayoso, from attempting to take the forts at the Natchez and Nogales (Walnut Hills) by force or surprize, they availed themselves of some profligate people to excite an insurrection, is alike void of foundation. The rise, progress, and issue of the insurrection is satisfactorily exhibited in Mr. Ellicott's letter of June 27th, from which copious extracts have been herein before given. And with respect to the fort at Walnut Hills, they could never have entertained the remotest idea of taking it in one way or the other: its situation being about one hundred miles from the Natchez, up the Mississippi, and its garrison composed of a force probably two or three times superior to that under the command of Lieutenant Pope.

The minister considers as an insult towards the Spanish government, the following expression of Mr. Ellicott in his letter of the 13th of June to Governor Gayoso: "The people cannot with propriety be censured for recurring to that conduct which will ultimately secure their felicity." "This (says he) is clearly an indirect attack upon the Spanish government, as unjust as improper on the part of an agent of a friendly nation."

It may be pertinent here to remark, That when Mr. Ellicott was commissioned as the agent of the United States, nothing was less expected than that he would be obliged to enter upon a tedious controversy with the Spanish officers on subjects really foreign to the business of his mission—that of running the boundary line between the territories of the two nations. If, after waiting several months to begin that operation; if, after being repeatedly promised that it should very soon be commenced; if, after repeated violations of these promises, and others relative to the evacuation of the forts, and procrastinations resting on a succession of pretences, frivolous, unreasonable, and unfounded, Mr. Ellicott should have felt some irritation, and been provoked to some indiscreet acts, it would not be surprising. Whether, however, any part of his conduct merits the character of indiscretion, may be determined by the documents now and formerly exhibited; for he has not sought concealment.

But if the inhabitants thought, what Mr. Ellicott expressed, that a change from the jurisdiction of Spain to that of the United States "would ultimately secure their felicity," it may be accounted for by a few facts, which will justify both one and the other.

It is well known that the inhabitants of the Natchez district consist chiefly of persons who were formerly British subjects and their descendants, and of emigrants from the United States. All these, born and educated under forms of government so essentially different from that of an absolute monarchy; and, especially, in all criminal and civil causes, accustomed to a

mode of trial peculiarly dear to the inhabitants of England and of the United States, and which the conſtitutions of the latter have ſo formally and ſcrupulouſly guarantied, the trial by jury:—the inhabitants alſo being nearly all Proteſtants; and in the United States, perſons of all perſuaſions enjoying the moſt perfect religious as well as civil liberty, they could not be indifferent to,—it is impoſſible that they ſhould not prefer a juriſdiction, which would perfectly ſecure to them both their civil and religious rights. I need not remark, that, under the Spaniſh government, trial by jury is unknown; and at the Natchez the Governor was the Legiſlator and the Judge; and regulated and reſtrained their civil and religious rights. As an inſtance, might be cited Governor Gayoſo's proclamation of the 29th of March 1797, numbered XV in the documents which were laid before Congreſs on the 12th of June laſt. By that act he ſuſpends the collection of debts, and reſtrains to *private meetings* the exerciſe of any other than the Catholic religion. Theſe are his words—"This being the ſeaſon in which the planters are employed in preparing for an enſuing crop, none ſhall be diſturbed from that important object on account of their depending debts." "Liberty of conſcience is hereby poſitively explained to be, that no individual of this government ſhall be moleſted on account of religious principles; and that they ſhall not be hindered in their *private meetings;* but no other *public worſhip* will be allowed but that generally eſtabliſhed in all his majeſty's dominions, which is the *Catholic religion.*"

The miniſter alſo complains that Mr. Ellicott and Mr. Pope interfered in political matters; becauſe they engaged themſelves to co-operate with the committee appointed to preſerve the peace and to obtain the due execution of juſtice, and *approved* of the propoſitions preſented to Governor Gayoſo. But a recurrence to the foregoing narrative extracted from Mr. Ellicott's letter of the 27th of June, and the documents he refers to, will ſhow that both were requeſted to interfere, and that they were called on by the Governor to be conſulted on the means of putting an end to the inſurrection—and that the reſult of that conſultation was a plan of accommodation, a propoſal of meaſures which (as aſſerted in another document not before quoted*) "through the influence of Mr. Ellicott and Captain Pope were adopted."

A few words on the Spaniſh miniſter's letter of the 21ſt of November, will conclude this report.

* Letter from George Cochran to the permanent committee, in October.

Referring to his letter of the 6th of May, and to my anſwer of the 17th (which are among the documents laid before Congreſs on the 17th of May) he ſays—" His Catholic Majeſty has not obſerved in the ſaid anſwer from you, any reaſon to induce him to change his opinion concerning the injuries reſulting to his ſubjects from the ſtipulations of the Engliſh Treaty, compared with thoſe of the Treaty with Spain, as well on the ſubject of the articles of contraband, as on the principle adopted in ours, " That free ſhips ſhall make free goods, &c."

" But what has moſt aſtoniſhed his Majeſty, and confirmed him in the juſtice of his pretenſions, is what you have ſaid in your anſwer with regard to the navigation of the Miſſiſippi."

It is much to be regretted that difficulties ſhould be raiſed and perſevered in, on queſtions ſo plain and eaſy to decide. Without entering again into a particular diſcuſſion of this ſubject, a ſingle fact, which on the 17th of May, I ſuppoſed probable, and which I am now authorized to aſſert, is ſufficient to obviate all the objections and arguments which have been adduced by the Spaniſh Miniſter. It is this—That when the Treaty between the United States and Spain was negociated by Mr. Pinckney with the Prince of Peace, the latter was furniſhed with an entire copy of the Treaty of Amity, Commerce and Navigation, between the United States and Great Britain: conſequently it is to the laſt degree prepoſterous for the Spaniſh Government now to complain that the Treaty with Great Britain rejected the principle that " Free ſhips made free goods," or that it extended the liſt of Contraband. With a perfect knowledge of the articles of the Britiſh Treaty on theſe points, if the Spaniſh Government had any objections to make, that was the time; and to have refuſed to enter into different ſtipulations with the United States; but having, notwithſtanding, voluntarily entered into them, it cannot now offer and inſiſt on ſuch objections, without a manifeſt departure from the principles of candour and good faith.

The ſame obſervations will apply to the queſtion concerning the navigation of the Miſſiſippi.

In the firſt place, the Spaniſh Government, when its Treaty of Peace with Great Britain was concluded at Paris on the 3d of September 1783, by which Weſt Florida was ceded to Spain, well knew that by the Proviſional Treaty between Great Britain and the United States, concluded at Paris the 30th of November 1782, the articles of which conſtituted the definitive Treaty of Peace between theſe two powers,—it was ſtipulated that " The navigation of the river Miſſiſippi, from its ſource to the Ocean, ſhall forever remain free and open to

the ſubjects of Great Britain and the citizens of the United States." And yet even this ſtipulation, which was inviolably binding on the United States, by the Proviſional Articles before mentioned, nine months before Weſt Florida was ceded to Spain, is now ſtrangely objected to by the Spaniſh Miniſter, and as a reproach to the United States!

In the next place, when our Treaty with Spain was concluded on the twenty ſeventh of October 1795, the Spaniſh Government poſſeſſed the like perfect knowledge, that eleven months preceding, viz. on the 19th of November 1794, in the Treaty of Amity, Commerce and Navigation, between the United States and Great Britain, the above ſtipulation of 1782 and 1783 was recognized in theſe words—"The river Miſſiſippi ſhall, however, according to the Treaty of Peace, be entirely open to both parties." And on this occaſion the Spaniſh Government did object; it wiſhed the United States to enter into a mutual ſtipulation with Spain for the purpoſe of *excluding* Great Britain from the Navigation of the Miſſiſippi: but the Miniſter of the United States explicitly refuſed to do it; and in writing aſſigned the reaſon—That it would violate the good Faith of the United States previouſly pledged to Great Britain: and the Spaniſh Government gave up this objection, or the Miniſter of the United States would not have concluded the Treaty. How truly aſtoniſhing is it, after all this, that the United States ſhould be reproached for the ſtipulation with Great Britain reſpecting the Navigation of the Miſſiſippi! And as having thereby *offended* and *inſulted* Spain! And how long is our patience to be abuſed by ſuch unfounded charges?

But although the Chevalier de Yrujo, in his argument upon this point, refers alike to our treaty of peace with Great Britain in 1783, to our treaty of Amity, Commerce, and Navigation in 1794, and to the explanatory Article of the latter concluded on the 4th of May 1796, yet in the end, as if conſcious that his obſervations, as applied to the two former, were impertinent, he confines his charge to the latter, and ſays that "His Catholic Majeſty has juſt motives for being offended with the *Explanatory Article* ſigned on the 4th of May 1796." But neither does this explanatory Article contain any new ſtipulation. It recogniſes the principle, that a ſubſequent treaty cannot annul any ſtipulation of a prior treaty, and declares, that the ſubjects of His Britannic Majeſty and the Citizens of the United States, and the Indians dwelling on either ſide of the boundary line between the two powers, "Shall remain at full liberty freely to paſs and repaſs, by land or inland navigation, into the reſpective territories and

countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, *according to the stipulations of the said third article of the Treaty of Amity, Commerce and Navigation:*" Thus recurring to, and resting upon the Treaty of November 19th, 1794, which, as above observed, the Chevalier himself finally abandoned, as affording no cause of complaint, and without which the Explanatory Article itself would be a nullity.—

TIMOTHY PICKERING.

*Department of State, January* 22, 1798.

# —DOCUMENTS.—

## (No. 1.)

*The Proclamation of the Baron de Carondelet of the 31ſt of May, 1797.*

THE Government being informed by his Majeſty's Ambaſſador to the United States of America, that an expedition aſſembled on the lakes was intended to attack the Illinois, has judged neceſſary, for the ſurety and tranquility of lower Louiſiana, to ſuſpend the evacuation of the poſts of Natchez and the Walnut Hills, being the only Poſts that cover it; the poſſeſſion of which will put the Engliſh in a ſituation to diſturb and ravage the Country, in caſe they render themſelves maſters of upper Louiſiana, with ſo much more facility, as by an article of the Treaty concluded poſteriorly with Great Britain, the United States acknowledge that the Engliſh may freely navigate and frequent the poſts belonging to the ſaid States, ſituated on the rivers in general, lakes, &c. being a manifeſt contradiction to the Treaty concluded with Spain, which it appears to annul, becauſe by this the United States acknowledge that no other nation can navigate upon the Miſſiſippi without the conſent of Spain.

Notwithſtanding the legitimacy of theſe motives, the ſuſpenſion has been repreſented to the Congreſs of the United States with all the neceſſary veracity, and intimated by our orders to the Commiſſary of limits, as well as to the Commandant of the detachment of American troops now at Natchez. We are now informed that a detachment of the Army of the United States cantoned on the Ohio, are on their way by Holſtein towards Natchez, while the militia of Cumberland are intimated to hold themſelves ready to march at the firſt notice.

Theſe hoſtile diſpoſitions can naturally only concern theſe provinces, becauſe the United States are in peace with all the Savages. The anterior menaces of the Commiſſary of limits and the Commandant of the detachment of Americans now at Natchez; the immediate rupture (and if the American gazettes are to be believed) already effected between France our intimate Ally and the United States; engage us to be on our guard to defend our property with that valour and energy which the

Inhabitants of these provinces have manifested on all occasions; with the advantage and superiority which a knowledge of our local situation will procure and with that confidence which right and justice inspires. If the Congress of the United States had no hostile intention against these Provinces, they will either leave the Post of Natchez, or the Walnut Hills, the only Bulwarks of lower Louisiana to stop the course of the British, or if that they give us securtiy against the article of the treaty with Great Britain which exposes lower Louisiana to be pillaged and destroyed down to the Capital, we will then deliver up the said posts, and lay down our arms which they have forced us to take up, by arming their Militia in time of peace, and sending a considerable body of troops by round-about ways to surprize us.

*New-Orleans, 31st May, 1797.*

## (No. 2.)

*Governor Gayoso de Lemos, to Andrew Ellicott, Esquire.*

*Natchez, June 13th, 1797.*

SIR,

BY repeated informations and by every appearance it seems past a doubt that a number of the inhabitants of this government subjects of his Majesty are at present in a state of rebellion with the hostile design of attacking this fort.

I am informed that yesterday several of the said insurgents were riding through the country soliciting subscribers to a list that already contained the names of several persons who declared themselves citizens of the United States of America, though they are actually under oath of allegiance to His Majesty, and under whose dominion and protection they have lived and enjoyed the benefits thereof, and the bearers of this list declare themselves commissioned by you for that purpose.

I cannot prevail upon myself to believe that you have either authorized or encouraged such proceedings, as a conduct of that nature would unavoidably produce the most disagreeable and fatal misunderstanding between our nations, and the total destruction of this district.

Therefore I request you to give me such a positive answer as will enable me to inform the Commander General of this province for the intelligence of His Majesty, of the part you take in these transactions; and should you take such an active part as it is represented you do, from this moment I protest

in the name of the ſaid Commander General againſt ſuch conduct, and make you anſwerable for the fatal conſequences that may enſue. I repeat the requeſt of a poſitive anſwer on this ſubject.

I have the honor to be with the greateſt regard,
Sir, your moſt obedient humble ſervant,

MANUEL GAYOSO de LEMOS.

Hon. Andrew Ellicott.

## (No. 3.)

*Andrew Ellicott, Eſquire, to Governor Gayoſo de Lemos.*

*Natchez, June* 13th, 1797.

SIR,

IN order to anſwer your letter of this day that (from the ſpirit of it) denies the exiſtence of that principle which has been the object of a long train of diſcuſſion between us, I muſt refer to your letter dated the 12th of March laſt. In that letter you admit not only that Daniel Clarke's will be about the point of demarcation, but that the Commiſſioner of His Catholic Majeſty would in all probability meet me at that place. As the treaty itſelf was a fact notorious, ſo likewiſe ought to be all the tranſactions attending it either in direct performance or open violation. The people therefore became acquainted with thoſe circumſtances that were the reſult either of my obſervations, or the acquieſcence of the Spaniſh government—They were matters that involved their felicity, and could not from duty or decency be withheld. If on the preſent occaſion, the people have thought proper to act in conformity to the intelligence received, which intelligence had the combined ſanctions of the agents of both governments for its ſupport—is my agency to be aſcribed, or my conduct to be called to account with regard to the effects? A little enquiry into the human heart, would have enabled you, Sir, to have diſcovered a more powerful cauſe than any operation of mine on the preſent occaſion. The people conſidered themſelves citizens of the United States—they had a right to conſider themſelves ſo—and they have lately come forward individually to expreſs their wiſhes and intentions.

After this ſhort detail of what is the real cauſe of the preſent diſturbance, I might flatter myſelf with a complete acquittal on your part, did not the firſt paragraph of your laſt letter compel me to form a different concluſion. On what principle do you ſtill retain the idea, that the citizens of this country are

ſubjects of His Catholic Majeſty? Is there not a compact deliberately entered into by the two nations to the contrary of your opinion? Have not you acknowleged me to be the agent of the United States to carry that compact into effect? And have you not repeatedly pledged your word to co-operate with me in that deſirable object? Here I might with propriety aſk what human aſſurances could have gone further than thoſe that have been made on your part? Do all ſolemn obligations between nations depend upon chance, or caprice, or is there ſuch a principle univerſally acknowleged among different nations as the law of nature and nations? If your Excellency admits that there is ſuch a principle as national law, I aſſert that the inhabitants of this country cannot be conſidered as any wiſe ſubjects of the Spaniſh monarchy. If you deny the exiſtence of the principle, I have only to obſerve that the people cannot with propriety be cenſured for recurring to that conduct, which will ultimately ſecure their felicity.

I have thus far proceeded by way of argument in anſwer to your communication, from the whole of which you will readily infer a very natural concluſion, that the delay on your part, in carrying the late treaty into effect, added to the invariable nature of the human heart, have produced the evils of which you complain.

But ſince you demand a poſitive reply to the general queſtion, whether I am concerned in meaſures deſtructive of His Catholic Majeſty's intereſt, or in an attempt to attack the fort—I give you my honor that I am not: you have aſſiſted me in confirming the ſentiment that this territory belongs to the United States—and I do now therefore on the part of the ſaid United States, as their agent, moſt ſolemnly and pointedly, proteſt againſt the landing of any troops, or the reparation of any fortifications in this territory above the 31ſt degree of north latitude, as I ſhall conſider all ſuch conduct as a violation of the treaty, and an immediate attack, upon the honor and dignity of my country.

I ſhall now finally obſerve, that from your verbal meſſage by your Adjutant, Major Minor, I expected that your Excellency would have propoſed ſome ſcheme of accommodation that would have been conſiſtent with the juſtice, and ſentiment, of the countries we have the honor to ſerve.

Should you have any propoſals to make for an accommodation, I aſſure you that I feel every wiſh to enter into a diſcuſſion for that purpoſe.

I am, &c.

A. ELLICOTT.

## (No. 4.)

STATEMENT of the principles on which I find myſelf diſpoſed, according to my duty, to put in practice for the tranquility of the Country.

1ſt. That all the people in general now collected or are collecting in bodies, ſhall diſperſe and return to their farms and continue peaceably their domeſtic buſineſs.

2d. That by ſo doing it is warranted to them that they ſhall not be proſecuted for the preſent diſturbance.

3d. That as an explanation, to baniſh ſome doubtful apprehenſions that perhaps has given riſe to the preſent diſturbance, I aſſure the public there are no preparations againſt them; that the detachment of troops coming up the river is not intended for this place, and are to proceed to their deſtination; nor have I ordered any troops from Nogales to reinforce me.

4th. That no Indians have been called, that no roads have been or ſhall be ſtopped.

5th. That there is no war declared between His Catholic Majeſty and the United States; on the contrary it is the intention of his Majeſty to continue the beſt harmony between the two Nations, in conſequence thereof I have not the leaſt idea of acting in a hoſtile manner againſt any force or perſons belonging to the United States, and whilſt this good intelligence ſubſiſts between the two nations, no alteration ſhall be made on theſe principles; on the contrary, I ſhall employ my greateſt exertions to make every reſident of this Government as happy as poſſible, further I declare that they ſhall not be embodied as Militia, but againſt an invaſion of this Country; and if Military bodies ſhall be wanted out of this Diſtrict, they ſhall only be formed by volunteers.

MANUEL GAYOSO de LEMOS.

*Natchez 14th June* 1797.

## (No. 5.)

*Don Manuel Gayoſo de Lemos, Brigadier in the Royal Armies, Governor Military and Political of Natchez and its dependencies, &c. &c. &c.*

WHEREAS the confuſion in which the Country is at preſent involved threatens the entire deſtruction of its Inhabitants; it is our duty to employ every means to ſave them from certain

ruin, which will be inevitable if they do not liſten to the ſalutary advice which the voice of humanity dictates to our conſtant attention to the welfare of every individual of this Government lenity in its greateſt extent accompanies the obedience that is required, and general forgiveneſs will be the fruit of a candid repentance, and the exact compliance with the following conditions.

From the day after the publication of the preſent Proclamation, all perſons collected in bodies, or are collecting for any purpoſe not ſanctioned by us, will immediately diſperſe, and every individual retire to the place of his reſidence, attend to his farm, or other occupation, in a peaceable manner, and conſider himſelf in the ſame light as before the preſent diſturbance, never to aſſemble again upon the ſame principles as the preſent, nor conſider themſelves as bound to do it, when called upon ſimilar purpoſes, whilſt under the Government and laws of his Majeſty.

Any perſon who from attachment to the Government and Laws of his Majeſty, and with a view to prevent the impending calamity, ſhould have aſſembled in bodies are likewiſe to diſperſe.

No perſon ſhall ever be upbraided on account of his differing in opinion with any other, which, when not carried to exceſs is allowed to every man; when it is not injurious to the Government, and conſequently to the community in general.

By ſo complying a general forgiveneſs is warranted to every perſon who has been concerned in the preſent diſturbance, and no enquiry ſhall be made for their names.

It has been repreſented to us that the preſent commotion has partly ariſen from the following apprehenſions.

That a war might be actually declared between his Majeſty and the United States of America.

That forces were accumulating here to treat with rigor thoſe Inhabitants who have manifeſted a partiality for the Government of the United States, and that Indians had been called upon for their aſſiſtance.

That the roads and water communications were ſtopped; and that the Inhabitants were to be compelled to embody into Military Corps.

To baniſh theſe unfounded apprehenſions and finally tranquilliſe the minds of the people, we do hereby aſſure them that no war exiſts between his Majeſty and the United States; but on the contrary the moſt friendly intercourſe is recommended to both Nations. No forces are accumulating here, and thoſe for Nogales* are for the ſole purpoſe of oppoſing an actual

* The Walnut Hills.

enemy. No Indians have been called. No interruptions have or shall be put to land or water communications; and under the present situation of this Country, no corps of Militia shall be formed; but if any should be wanted, out of the District, volunteers only shall be called for, except in case of an invasion, either by water or by land within the extent of this Government; in which case natural defence and general safety admits of no exceptions.

The Alcaldes in each District, or persons commissioned for the purpose of promulging this Proclamation are hereby ordered to make it public with all possible expedition, that it may produce the desirable good effect.

Given under my hand and the seal of my arms, and counterfigned by the Secretary of this Government.

MANUEL GAYOSO de LEMOS.

*Natchez 14th June* 1797.

J. VIDAL.

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## (No. 6.)

*Don Manuel Gayoso de Lemos, Brigadier General in the Royal Armies, Governor Military and Political of Natchez and its dependencies, &c.*

SIR,

THE following propositions being unanimously agreed to by us the underwritten (being a Committee appointed by a very numerous and respectable meeting of the Inhabitants of this District) and A. Ellicott, Citizen and Commissioner of the United States, and P. S. Pope, commanding the United States troops on the Mississippi, are submitted to your Excellency with a request that you may accede to and transmit a copy of the same to the Baron de Carondelet, and obtain his concurrence in order to restore tranquility to this District.

1st. The Inhabitants of the district of Natchez, who under the belief and persuasion that they were citizens of the United States, agreeably to the late Treaty, have assembled and embodied themselves, are not to be prosecuted or injured for their conduct on that account, but to stand exonerated and acquitted.

2d. The Inhabitants of the Government aforesaid above the 31st degree of North Latitude, are not to be embodied as Militia, or called upon to aid in any military operation except in case of an Indian invasion, or for the suppression of riots during

the preſent ſtate of uncertainty, owing to the late treaty between the United States and His Catholic Majeſty not being fully carried into effect.

3d. The laws of Spain in the above Diſtrict ſhall be continued, and on all occaſions be executed with mildneſs and moderation, nor ſhall any of the Inhabitants be tranſported as priſoners out of this Government on any pretext whatever, and notwithſtanding the operation of the law aforeſaid is hereby admitted, yet the Inhabitants ſhall be conſidered to be in an actual ſtate of neutrality during the continuance of their uncertainty, as mentioned in the ſecond propoſition.

4th. The Committee aforeſaid do engage to recommend it to our Conſtituents, and to the utmoſt of our power endeavour to preſerve the peace and promote the due execution of juſtice.

We are your moſt Obedient and
Humble Servants,

A. HUTCHINS,
BERNARD LINTOT,
ISAAC GUILLARD,
CATO WEST,
WILLIAM RATLIFF,
GABRIEL BONOIST,
JOSEPH BERNARD.

*Natchez, June 22d,* 1797.

*Don Manuel Gayoſo de Lemos, Brigadier General in the Royal Armies of Spain, Governor Military and Political of Natchez and its dependencies, &c.*

I DO hereby accede to the four foregoing propoſitions eſtabliſhed and agreed upon for the purpoſe of re-eſtabliſhing the peace and tranquility of this Country; and that it may be conſtant and notorious I ſign the preſent under the Seal of my Arms and counterſigned by the Secretary of this Government.

*At Government Houſe, Natchez,*
*22d June,* 1797.

MANUEL GAYOSO de LEMOS.

By His Excellency's command,
JH. VIDAL.

A true Copy from
the Original.

D. GILLESPY, Sec'ry.

## (No. 7.)

WE the underwritten do engage to co-operate with the Committee appointed by a numerous and reſpectable meeting of the Inhabitants of the Diſtrict of Natchez, to preſerve the peace and to obtain the due execution of juſtice, and do hereby approve of the propoſitions preſented Governor Gayoſo by the ſaid Committee and acceded to by him.

A. ELLICOTT, { Citizen and Commiſſioner of the United State.

P. S. POPE, { Commanding the United States troops on the Miſſiſippi.

*June 22d*, 1797.

## (No. 8.)

*Don Manuel Gayoſo de Lemos, General in the Royal Armies, Governor Military and Political of Natchez and its dependencies, &c. &c. &c.*

WHEREAS the threatening calamities to which the Inhabitants of this Diſtrict have been lately expoſed, did awake the zeal of every individual and rouſe them to ſeek the moſt efficacious means of re-eſtabliſhing good order, and that tranquility which for many days was loſt; the good ſenſe of a number of the Inhabitants dictated to them the neceſſity of a Convention, in which they choſe perſons of the moſt notorious probity and intelligence as a Committee to co-operate with us towards the re-eſtabliſhing of the public peace and tranquility; and the members of the ſaid Committee having met at Natchez, after due deliberations and conſultations, ſtated and preſented us the following propoſitions, in the terms and form here expreſſed, to wit. [Then follow the propoſitions No. 6.]

Being always deſirous of promoting the public good, we do join in the ſame ſentiment with the Committee, by acceding to their propoſitions in a manner following [ſee the propoſitions No. 6.]

(Signed) MANUEL GAYOSO de LEMOS.

JOSEPH VIDAL, Secretary.

*Natchez, June 22d*, 1797.

## (No. 9.)

SIR,

THE many proofs that the Committee has of your desire to contribute to the welfare of this Country, encourage it to request of you the service mentioned in our first resolve of yesterday, of which it incloses you a copy.

I have the honor to be, Sir,

Your most humble and obedient Servant,

JOSEPH BERNARD,
Chairman.

*Committee Room, Sept. 14th, 1797.*

The Honorable Andrew Ellicott, Esquire, Commissioner of the United States for running the boundary line, &c.

Resolved, 1. That the 5th resolve of the 29th ult. be rescinded, and that Mr. Ellicott whose inclination for the interest and happiness of this country we have a convincing proof of in his former communications to the general Government, published since and now in our hands, and who, from his residence for several months amongst us is well acquainted with the circumstances of this Country, be requested to represent our present situation to his Excellency the President of the United States, and likewise all the measures which he shall deem to be conducive to the future welfare of this Country in the event of the late treaty between His Catholic Majesty and the United States being carried fully into effect.

True Copy.

G. BENOIST, Secretary.

## (No. 10.)

*Don Stephen Minor, Captain in the Royal Armies, Aid, Major and Governor, pro tem. of the Natchez and its dependencies, &c.*

I DO certify that Colonel Peter Bryan Bruin, Daniel Clark, Joseph Barnard, Frederick Kimball, Gabriel Benoist, Isaac Gaillard, Philander Smith, Roger Dixon and William Ratliff, Esquires, members of the Permanent Committee, duly elected by the people at large, under the sanction of Government, are the true and sole representatives of the Inhabitants of this Go-

vernment, and that faith is due to their proceedings as such, as also to the representations they may make in behalf of the public in all cases.

In Testimony whereof I have hereunto set my hand and affixed my seal, at Government House, (L. S.) Natchez, this sixteenth day of September, one thousand seven hundred and ninety seven.

STEPHEN MINOR.

I do certify that the above is a true copy of a Certificate obtained from Governor Minor, by the Committee, and lodged among their files.

D. GILLESPIE,
Secretary to the American Commissioner and permanent Committee.

## (No. 11.)

*Stephen Minor, Esquire, Captain in the Royal Armies, and Governor of the Natchez for the time being.*

IT being the undeniable and unalienable right of Freemen, to assemble in an orderly and peaceable manner for the purpose of consulting and deliberating on their mutual interest, no opposition shall be made by the officers of his Catholic Majesty to any assembly, whether partial or general, of the inhabitants residing in this district, if conducted upon the principles of good order and decorum.

I do therefore hereby grant permission for the assemblies or meetings required in this address, to take place on the day appointed and in manner recommended.

STEPHEN MINOR.

*August* 16, 1797.

## (No. 12.)

*The Chevalier de Yrujo, Minister Plenipotentiary of his Catholic Majesty, &c. &c. to Timothy Pickering, Esquire, Secretary of State.*

SIR,

YOUR additional report to the President of the United States of the proceedings of the Officers of the King of Spain, in relation to the post and the running of the boundary line, which I find published in all the newspapers, obliges me to

trouble you with this letter. If your discussion of facts had been as correct and impartial as there was reason to expect, I should not have been under the necessity of undertaking this task; but the construction which you are pleased to put upon every act of the Spanish Officers in general, and especially upon those in which I am personally concerned, compels me to observe upon several expressions, which I have noticed in your said Report.

You begin, Sir, with saying, "that altho' I had declared I had just reasons for suspecting an expedition from Canada was preparing by the British against the upper parts of Louisiana, yet I never had mentioned a single fact or reason on which my suspicion was founded."—In my letter of the 2d of March, I pointed out to you the probable route which the expedition would take, and in our conference of the 27th of February, I gave you information that a corps of 350 men had been raised at Montreal, and marched towards the Lakes, where, after the evacuation of the American forts, there was no ostensible object for them. I also told you that I knew that the British Agents had treated with some of the Indian Nations in that country, concerning the intended expedition, and I added, that I had received those advices from a person who might be depended on, who had seen those new levies passing thro' Johnstown, on their way to the westward. But, even supposing that I had not entered into any particulars, even supposing that my information at that period was not complete, yet did not the interest and dignity of this Government —did not its friendly connection with Spain, require that it should have taken every proper means to prevent the attempt we were threatened with, by giving suitable orders to General Wilkinson, or to the Commanding Officers of the Military Force on those frontiers? The absolute silence in this particular of the documents which accompany the Report of the Secretary of War, your never having communicated to me any *determinate* disposition on this point, as you do in your answer to my letter, which in the publication is marked No. 7. afford me sufficient grounds to fear that these precautions were omitted. You add, Sir, with a degree of candour difficult to be conceived, that from my not having given to you detailed information respecting the expedition, and from the answer which you received on the 19th ultimo, from the *British Minister*, you believed my suspicions to be groundless. Is it possible, that any one will candidly imagine, that if the English intended to violate the territory of the United States, in order to effect a *coup de main*, they would be as ingenious in answering, as you were in asking their Minister the question?

I shall not enter into all the observations which suggest

themſelves to my mind from your having communicated to Mr. Liſton the contents of my letters. I expected that the American Government would have watched his motions, and taken the means which I have already mentioned to prevent the ſucceſs of a ſimilar enterprize; but I never could have imagined that you would have given to the Britiſh Miniſter a piece of advice, which might enable him to alter his plan, by letting him know that the former one was diſcovered. By the line of conduct which you have perſued in this buſineſs, I am convinced, that had I communicated to you more particular details reſpecting this tranſaction, you would, with the ſame good-natured frankneſs, have given information of them to Mr. Liſton.

But, if you did believe that aſking this queſtion of the Britiſh Envoy was the moſt efficacious means to prevent the violation of the neutrality of the United States, and the invaſion of the Spaniſh territory, let me aſk why you was ſo remiſs in this meaſure, that although I had communicated this project to you verbally, on the 27th of February, and on the 2d of March, in writing, yet, in a matter obviouſly ſo urgent, you only wrote to the Britiſh Envoy on the 28th of April, that is, *two months* afterwards?

I ſhall not quit this ſubject, without taking the liberty of making to you one obſervation which is intimately connected with it. By the date of the letter I have juſt mentioned, it evidently appears that I gave you advice of this intended expedition *on the ſecond of March*, and that *three days before*, I had given you the ſame information verbally. I imagined from your known attention to buſineſs, and the importance of the ſubject, that you would have ſubmitted it immediately to the conſideration of the Preſident of the United States. On the 9th of March, I had the honor of ſpeaking to Mr. Adams, at his lodgings at Francis's Hotel, and mentioned this ſubject as a matter that I ſuppoſed him already fully informed of; and, it was with no ſmall ſurprize I heard him ſay, that *he knew nothing about it*. I produced the map, which I had in my pocket-book, and he liſtened with great attention to all that I had to ſay to him. It was no doubt to this conference with Mr. Adams, that I was indebted to your anſwer of the 11th of the ſame month. I ſhall entirely abſtain from putting any conſtruction upon the reaſons which induced you to omit making this communication to the Preſident; but they muſt have been very *powerful* motives which could oblige you to remain ſo long ſilent on a matter of ſuch importance.

You ſay, in the third paragraph of your Report, that on your aſking me what meaſures Spain had taken in order to carry into

execution that part of the Treaty which relates to the withdrawing the *garrisons*, I answered you on the 17th of April, that I had been for some months without receiving letters from the Baron, and consequently "was entirely ignorant of the steps which had been taken for the execution of the Treaty."—From this expression, which, in order to draw attention, you place between inverted commas, you insinuate an inference which in my opinion is very far from being true, when you add, immediately afterwards: "*Nevertheless, he had previously informed the Baron of his suspicions of a projected expedition.*"—What is this to prove, Sir? That the Baron indeed had received my letters, but not that I had received his. The irregularity and uncertainty of navigation easily shows that your logic on this point is extremely false.

In the fifth paragraph, after giving an account of my letter of the 24th ultimo, and of its object, you observe that I have omitted to mention, among the other complaints of the Baron that of Mr. Ellicott's not having given him notice of his arrival at Natchez.—Permit me, Sir, to represent to you, that you have entirely mistaken what I had the honor of telling you on that occasion,—for I simply mentioned, not as a *complaint*, but as a mere *observation*, that the Baron, *in the rigour*, might not have considered Mr. Ellicott as an American Commissioner, for not having given him on his arrival *official notice* of his appointment, having merely informed him of it in the way of a confidential communication. You cannot be ignorant, Sir, that there are certain requisite formalities when Nations treat with one another of their mutual concerns, which are not required between individuals. The Baron, when he speaks in this manner, clearly points out his meaning, that, besides the confidential letter, the communication of which *you consider as so important*, no doubt he expected another *official* one, including his Commission, Authority, or some other document, to ascertain the identity of the person, and the object of his mission. When, on my arrival in this country, I had not yet presented my credentials to the President, although I had delivered to you a copy of them, you might, in the rigour, not have recognized me as the Envoy Extraordinary of the King my Master, for want of having complied with that necessary requisite of the established etiquette. I do not mean to say that in the present case it was absolutely necessary to go through a similar formality; nor did the Baron mention this but as a mere *matter of observation*, which was not to affect the object in question, although you, thinking that it affords you a victorious argument, are pleased to give to this circumstance an importance which it does not deserve. Besides, Sir, I might ob-

ſerve to you, that when, after a mixed and deſultory converſation upon various ſubjects, I had collected and methodized my ideas, and committed them to writing, your anſwer and obſervations ought to have been confined to the written communication, clothed with all the neceſſary formalities; but neither do I wiſh to make of this an object of diſcuſſion.

The proof which you give in the ſixth paragraph of your Report, to ſhew that it is not certain that Mr. Ellicott intended to get poſſeſſion of Natchez by ſurprize, and that for that purpoſe he had endeavoured to gain over the inhabitants, is merely negative. From your examination of the two perſons you mention, you had very little to expect: the circumſtance alone of their being the bearers of Mr. Ellicott's diſpatches, points out that they were both in his confidence; and it may be preſumed without temerity, that being his friends, or employed under his orders, they would hardly make a denunciation that might be prejudicial to him. Governor Gayoſo declares that he has proofs of the fact in his power. I ſhall not fail to apply to him for them, and perhaps I may one day ſpeak to you more poſitively on this buſineſs.

After having diſcuſſed the hiſtory of theſe tranſactions with all the force and accuracy which reſult from theſe obſervations, you aſſure with a very ill-grounded confidence, that upon a view of the whole it appears that His Majeſty's Governors on the Miſſiſippi, have, on various pretences, poſtponed the running of the boundary line and the evacuation of the poſts. But I appeal to that candour which you have ſo generouſly ſhewn to the Britiſh Miniſter, that you may tell me, whether it can be called a *pretence*, that the Baron de Carondelet, who was entruſted with the ſafety of Louiſiana, refuſed to carry into execution a pretention *that was not ſtipulated for by the treaty?* By the ſecond article it is only agreed that the *garriſons* ſhall be withdrawn; and as I had the honor of repreſenting to you in my letter of the 24th ultimo, it is not to be preſumed that it could ever have been the intention of his Catholic Majeſty to deliver up fortifications, which, beſides that they have coſt him conſiderable ſums of money, may by the effect of political viciſſitudes, be one day prejudicial to his ſubjects. If not to do *what was not ſtipulated for*, and the execution of which would be contrary to the intereſts of Spain, is a *pretence*, we muſt confeſs that it is a very plauſible one.

With reſpect to the line of demarcation, it appears by the correſpondence and letters of the Baron de Carondelet, which are in my poſſeſſion, that although he entertained the ſame doubts which were ſuggeſted by Governor Gayoſo reſpecting the poſts, yet he was conſenting, that the aſtronomical obſer-

vations ſhould be begun upon, for which purpoſe the Engineer Mr. de Guillemand had already arrived at the Natchez, with all the inſtruments and apparatus. Such was the ſituation of things when my communications reſpecting the intended expedition got to hand; from that moment imperious neceſſity, and the great principle of ſelf-defence, made His Catholic Majeſty's Officers turn their thoughts to objects of a more urgent nature. Mr. Blount's letter, and the late detected conſpiracy, evince how far their conduct in this reſpect was neceſſary; and you, Sir, poſſeſt as you were, of all the facts, when you laid the facts before the Preſident, ought to have been one of the laſt to have ſtigmatized the motives with the epithet of *pretexts*. So palpable an attempt to make groundleſs and unfair impreſſions on the public mind, is well calculated to defeat its own ends, and appear ſtill more extraordinary when we conſider that the American Government is in every way anxious, by its own confeſſion, to maintain peace and harmony with Spain.

Nor do your ill-founded inſinuations ſtop here: ſentiments and expreſſions ſtill more violent, flow from that ſame haſty pen. You ſay in another part, *that there is but too much reaſon to believe* Mr. Ellicott's *ſuſpicions well-founded, that an undue influence has been exerciſed over the Indians by the Officers of his Catholic Majeſty, to prepare them for a rupture with the United States*. Fortunately, Sir, you have told us the ſource whence you derived all thoſe dreadful conjectures of your's; otherwiſe, perhaps, the weight and authority which your high official character ſtamps upon whatever you write or ſay, might make an undue impreſſion on the public. You acknowledge, Sir, 'twas a private letter of Mr. Sargent's (Secretary of the North-weſtern Territory) that gave riſe to your ſurmiſes: we ſhall now ſee what the letter ſays.

[ No. 14. ]

*Extract of a letter from Winthrop Sargent, Eſquire, Secretary of the North-weſtern Territory, to the Secretary of State, dated Cincinnati, June 3d, 1797.*

GENERAL WILKINSON ſending off an expreſs, I ſeize the occaſion to tranſcribe for you ſome paragraphs from a weſtern letter.

" The Spaniards are reinforcing their upper poſts on the Miſſiſippi conſiderably. General Howard, an Iriſhman, in quality of Commander in Chief, with upwards of three hundred men, is arrived at St. Louis, and employed in erecting very formidable works. It likewiſe appears through various

channels, that they are inviting a great number of Indians of the territory to croſs the Miſſiſippi; and for this expreſs purpoſe, Mr. Lorromie, an officer in the pay of the Crown, made a tour through all this country laſt fall, ſince which time ſeveral Indians have been ſent on the ſame errand, and generally furniſhed with plenty of caſh to defray their expences.

" A large party of Delawares paſſed down on White River about the 6th of May, on their way to the Spaniſh ſide, bearing the nationaſ flag of Spain, ſome of them from Saint Louis.

" They (the Spaniards) have above the mouth of the Ohio, on the Miſſiſippi, ſeveral row-gallies with cannon."

Now, Sir, what inference can be drawn from that letter? Why, that the Spaniards have fortified San Luis, and availed themſelves of every means of defence that the country afforded! But let me aſk you, Sir, againſt whom it is that they were thus preparing to defend themſelves? Surely the documents which you have laid before the Preſident, and the momentous buſineſs which now engages the attention of Congreſs, and agitates the public at large, afford a complete and ſatisfactory anſwer.

I mention to you, in my letter of 2d March, that the object of the Britiſh was to attack Upper Louiſiana, and take San Luis and New Madrid by ſurprize. It will not be queſtioned but that prudence required of us, at that juncture, to fortify the threatened points. This, Sir, was all we did; and this, Sir, you knew many months paſt; yet Mr. Sargent's letter, which in ſubſtance ſays no more, fills you all at once with fears and ſelf-created apprehenſions, and makes you declare in the face of the American people, " that the Spaniſh Officers are exciting the Indians to a rupture with us." No one will ſay, that preparations for our ſelf-defence were not neceſſary on our part. The aſſurance given you by the Britiſh Miniſter, with all the appearance of a confidential communication, *but without any ſignature*, did not inſpire the ſervants of his Catholic Majeſty with the ſame blind confidence which it produced in you. We know from daily experience how religiouſly the Britiſh nation obſerves the rights of neutrality. Witneſs the American ſailors! Witneſs the Republic of Genoa, in whoſe port they attacked and made prize of the French frigate La Modeſte, as ſhe lay at anchor there. Witneſs the inhabitants of Trinidad, when the Britiſh, though then in amity with them, entered their capital, with drums beating and colours flying, in purſuit of a few French, who had taken refuge there. Theſe and other inſtances of the ſort, too numerous to be recapitulated, make us leſs credulous on the ſcore of Great-Britain's reſpect for the rights of neutrality than you appear to have been.

As to those tender considerations which actuated the British Minister to reject the plan on account of the inhumanity of calling in the aid of the Indians, I did expect that such vague, unauthenticated declarations, would have been appreciated as they deserved by you, Sir, who fought in the glorious cause of American Independence, who witnessed the humanity of their conduct in the course of that war, and who cannot be ignorant of what has happened since.

Your ascribing hostile views to the preparations for our self-defence, cannot, Sir, have been matter of much surprize to me, after having heard a certain Member of Congress, who is known to be the organ of the will of administration, declare in that House that he ascribed to the same motives the preparations we were making for the defence of Florida, though probably he was not ignorant, at the very time, of their real object. Thus then, Sir, according to your mode of reasoning, and that of the Gentleman I have just alluded to, though we were certain of being attacked, and though we were not certain that the American Government had taken the proper measures for protecting its neutrality, yet we were to adopt no measures for our defence, but tamely suffer his Majesty's forts and possessions to be taken, and all this for fear of creating ill-founded suspicions in your minds!

If you have not been very successful, Sir, in the solidity of your reasonings, you appear not to be more so in the method of following them. After having denounced us to the whole American nation as stirring up the Indians against the United States, and *preparing them for a rupture*, you fall into the most glaring inconsistency in the following paragraph:—*Whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own Citizens, it may be difficult to say; but that one or more of those Citizens have proposed and taken measures to detach the Southern Indians from the interests of the United States, and to destroy the influence of the public Agents over those nations, and thus to defeat the great objects of their appointment, the chief of which is to preserve peace, is certain.*

I again appeal here, Sir, to your generous candor. How is it possible to reconcile such evident contradictions? On the one hand the Spanish Officers are those who excite the Southern Indians against the United States, and on the other you quickly follow presuming, with sufficient foundation in my opinion, that it may be some Citizens of the United States. But although you might entertain any doubts yourself on the subject, which I am sure no person in America will after reading Mr. Blount's letter, did not this very same doubtful case and uncertainty, require in your situation more circumspect language?

And if even in this case you appear to have gone beyond what sound policy, the tranquility and interest of the United States required, how much more unjust are your insinuations against Spain, when the public possess, in Mr. Blount's letter, a document by which they can see, that if the manœuvres with the Indians were not favourable to the United States, they were precisely combined to attack the Spaniards? From this method of reasoning of yours, it appears as if the Spaniards were, jointly with Mr. Blount, stirring up the Indians to attack themselves.

Respecting the last article of your Report, I have only to observe, that although you have constantly assured me that Government had not the least information respecting the subject of my representations, and although the letter of Mr. Jackson, of Georgia, appears to coincide with your ideas, nevertheless time has shewn that I have complied with my duty by not reposing on such assurances. The plot is discovered, and nobody any longer doubts that the expedition was to have taken place.

After having followed you step by step through the various points of your Report to the President, I shall make a short compendium of such as arise from this letter; from which it results,

1. That on the 27th of February, I gave you sufficient particulars respecting the intended expedition, to have attracted the attention of this Government.

2. That although to this verbal communication, I added another in writing on the 2d of March, the President had not the least knowledge of it on the 9th of the same month, and that without doubt you must have had very powerful motives to prevent you from communicating it to him.

3. That it does not appear by the documents presented by the Secretary of War, that Government had given orders to the military Commanders to cause the territory and neutrality of the United States to be respected.

4. That you made to the English Minister, a communication, which in my opinion you ought not, and that even if you thought it necessary you delayed doing it for two months, that is, from the 27th of February to the 28th of April, although it respected a most urgent and important object.

5. That the Baron de Carondelet could very well have received my letter, without its necessarily following that his had come to hand.

6. That the Baron did not represent Mr. Ellicott's not writing to him officially as a *complaint*, but as an *observation*, and that in fact he never has done it in those terms.

7. That the proofs you allege to exculpate Mr. Ellicott, reſpecting his intentions of taking the Fort of Natchez by ſurprize, are purely negative.

8. That it is not merely *pretences*, but very powerful reaſons, which have impeded the evacuation of the Poſts, and the running of the Boundary Line.

9. That the inſinuations with which you are willing to perſuade the American People that our arming is directed againſt them, are unjuſt as well as unfounded, as by Mr. Blount's letter it is clearly demonſtrated to be a precaution for the mere purpoſe of defence.

10. That you evidently contradict yourſelf, when on one hand you are pleaſed to attribute to us the movements of the Indians, and in the very next paragraph you ſhew it might proceed from American citizens, as it actually does according to Mr. Blount's letter; and that he acted with the knowledge and intelligence of the very ſame Britiſh Miniſter, in whoſe Private Notes, *without ſignature, and perhaps not of his own hand writing*, you place ſuch implicit confidence.

11. That although in all your official communications, you have always manifeſted to me that the American Government knew of nothing which indicated any foundation for my ſuſpicions, Mr. Blount's letter clearly proves that I was perfectly in the right.

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I have thus fulfilled a very diſagreeable duty. Always deſirous to contribute to ſtrengthen the bands of friendſhip which unite Spain and America, and to which their ſituation, their wants and reſources, invite them, I have ſeen with the moſt profound grief, that the language and tenor of your communication to the Preſident, is not, in my opinion, calculated to promote ſo deſirable an object to us all. For my part, although I ſhall leave nothing undone, to cement the union and harmony with a Nation which I reſpect; neither ſhall I ever ſuffer the intereſts of the King, my Maſter, in any caſe whatever, to be ſacrificed to an unjuſt partiality.

I pray God to preſerve you many years.

*Your moſt obedient humble ſervant,*

CARLOS MARTINEZ DE YRUJO.

*Philadelphia, July* 11, 1797.

# (No. 13.)

*Mr. Pickering, Secretary of State, to the Chevalier de Yrujo, Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty, to the United States of America.*

DEPARTMENT OF STATE,

*Philadelphia, August 8th,* 1797.

SIR,

I DULY received your letter of the 11th of the last month, to which my other engagements have till this time prevented an answer.

My additional Report to the President of the United States, on the 3d of July, in relation to Spanish affairs has offended you, and is mentioned as the cause of your writing to me on the 11th. If, Sir, I were now to make the just remarks and recriminations which your letter obviously suggests, I am afraid you would be still more offended. I am not sure, indeed, that I can possibly frame an answer that will escape your displeasure: but I shall endeavour that it be expressed not in a style indecorous, unusual, and unbecoming a diplomatic correspondence, while it contains a fair exposition of facts and arguments, in opposition to errors and actual misrepresentations.

In respect to your suspicions of an expedition preparing on the lakes by the British, for an attack upon upper Louisiana, I have said that you never mentioned a single fact or reason on which your suspicions were founded. In contradiction to this assertion, you say that "In our conference, on the 27th of February, you gave me information that a corps of 350 men had been raised at Montreal and marched towards the lakes, where, after the evacuation of the American posts, there was no ostensible object for them:"—"That you *knew* that the British agents had treated with some of the Indian nations in that country, concerning the intended expedition; and that you added, that you had received those advices from a person who might be depended on, who had seen these new levies passing through Johnstown, on their way to the westward." To this, Sir, I answer, That I have not the slightest recollection that you mentioned either of these circumstances; —that the Secretary of War happened to come into my office while we were conversing,—at which you expressed your satisfaction, and repeated your suspicions,—and he says you then mentioned no fact or reason as the ground thereof; and that when I mentioned the subject to the President, certainly within ten or twelve days after this conference, I perfectly remember

making to him this remark—That in your letter of March 2d, you ſaid you had three days bfore declared to me the *juſt reaſons* you had for ſuſpecting that the Engliſh were preparing the expedition in queſtion; whereas you had offered me no reaſon at all. Hence I am obliged to conclude that you might have held ſuch a converſation with ſome other perſon, and by miſtake have applied it to me. The Engliſh raiſing 350 men—marching them through Johnſtown—and tampering with the Indians to promote the expedition—were circumſtances which appeared perfectly new to me when I received your letter of the 11th inſtant. I remember alſo, that the conference ended by your ſaying *you would write to me on the ſubject;* which evidently implied that your written repreſentation was to be the baſis of any act of mine, or of the government. In that letter, Sir, if you poſſeſſed any grounds for your ſuſpicions, you ought to have ſtated them. For, contrary to the opinion you have now expreſſed, I have no heſitation in ſaying that the government of the United States was not bound to take notice of the vague and unſupported ſuſpicions of any miniſter; at leaſt not to incur expenſe, by its military arrangements, to prevent an imaginary expedition, ſuch as was the object of yours. When you made a formal ſtatement of your ſuſpicions, but without any fact to ſhew that they were founded; when the government of the United States poſſeſſed no other information nor the knowledge of any circumſtances indicative of the expedition; and when in itſelf it appeared deſtitute of even the ſhadow of probability; it was an act of complaiſance to aſſure you that it "would be anxious to maintain the rights of their neutral ſituation, and on all occaſions adopt and purſue thoſe meaſures which ſhould appear proper and expedient for that end." What theſe meaſures ſhould be, and when to be taken, the government itſelf would judge.

It was an act of ſtill greater complaiſance, when on the 21ſt of April you renewed the declaration of your ſuſpicions, *but ſtill without aſſigning any reaſons*, for the government to reſolve on, and to communicate to you, what you are pleaſed to allow to be a "determinate diſpoſition on this point."

In the next ſentence (as in many others) you miſrepreſent my expreſſions and miſunderſtand my meaning. I do not ſay, that "from your not having given me detailed information reſpecting the expedition, and from the anſwer which I received from the Britiſh miniſter on the 19th of June, I believed the expedition to be groundleſs:" But after remarking that you never mentioned a ſingle fact or reaſon to ſupport your ſuſpicions—I ſay, "From *all the exiſting circumſtances* I ever believed the ſuſpicion to be groundleſs." If proofs had exiſted, you

would have produced them: For although *intrigues* and *conspiracies* for the purpose of a military expedition may long be concealed; yet the *preparations* for an expedition (and such you suggested were making) must be visible to many; especially "on the lakes," where every movement for such a design would be unusual, and therefore attract the more attention; and satisfactory proofs of such preparations would have been attainable: but you produced none.

Another material circumstance I must notice—That troops of the United States were stationed at Niagara, on the Miami, at Detroit, and Michilimackinack; and consequently in situations well calculated to protect our territory, as well as to discover or get information of, any warlike preparations so considerable as such an expedition would require; and the officers commanding on those stations could not have failed to communicate such discoveries or information to the Department of War: Yet no such communications were made.

But it was also well known that they had not on the lakes a force adequate to the interprize in question. I considered also the great difficulties that would attend the transportation of troops, equipage, provisions, cannon, and stores, by either of the routes suggested—if either could have been taken without violating the territory of the United States.

These were circumstances abundantly sufficient to discredit *naked suspicions*; and the declaration of Mr. Liston, in his note of the 19th of June, was mentioned only as confirming the justness of the opinion which I had at first formed in March, and which I continued to entertain of your suspicions. I might add, that at that early period, Mr. Liston assured me that he had no knowledge of such an expedition; and his inquiries of the Governor-general of Canada and the British Secretary of State, have enabled him positively to assert, in the above note, that no such expedition was ever intended. And this fact repels your suggestions that I had been "remiss" in not doing for two months, what, on my own principles, was proper to have been done. But you think I ought not to have communicated your suspicions of this expedition to the British minister, although "his motions were to be watched." You think, on the contrary, that the President should "have given suitable orders to General Wilkinson, or to the commanding officer of the military force on those frontiers;" but have kept a perfect silence towards the British—have let them complete their preparations (if any had been making) and collect their army on the lakes—have let them move forward, until they should enter upon the territory of the United States: and seeing the President could not know beforehand, whether they would profe-

cute their march by "*Fox River* and *Ouiſconſin*, or the *Illinois*," we may ſuppoſe your ideas of the "ſuitable orders" to the military to be—that at a great expenſe the troops of the United States ſhould be drawn into that country and divided into corps, to be poſted on thoſe rivers, to have fought the Britiſh army, and thus have defeated the enterprize. Sir, this is not the only inſtance in which, after having deſired the American government to do ſome act intereſting to your own, you have then preſumed to dictate how it ſhould be done.

"But (you ſay) you never could have imagined, that I would have given to the Britiſh miniſter a piece of advice, which might enable him to alter his plan, by letting him know that the former one was diſcovered." And what, Sir, was the plan of the Britiſh to defeat which you deſired the American government to interfere? Why, according to your ſuſpicions, it was *to march an army through the territory of the United States againſt Upper Louiſiana*. If then the communication of your ſuſpicions to Mr. Liſton would induce him to "alter his plan"—it would by a *word* or a *letter*, inſtead of an *army*, defeat the expedition; for it was not poſſible it ſhould go forward *except through the territory of the United States*; and conſequently the communication, inſtead of diſappointing, would have perfectly accompliſhed what you requeſted.

In your 5th paragraph, you are pleaſed to mention what you conſider as another omiſſion of duty, That although on the 2d of March you *wrote* your ſuſpicions, and *three days before* you mentioned them verbally, yet on the 9th, I had not laid the matter before the Preſident. I will take the trouble to ſhow with how little reaſon you have made this remark. The ſecond of March was the day next preceding the diſſolution of Congreſs; and at the cloſe of a ſeſſion the Preſident is overwhelmed with buſineſs that cannot be poſtponed. On the third the then Preſident's term of office expired. On the 4th the inauguration of the ſucceeding Preſident was celebrated. The 5th of March was Sunday. The five following days were not unoccupied; and on the eleventh of March the anſwer to your letter of the 2d was given. And although you attach much importance to your ſuſpicions, the details I have given prove that they were then deſtitute of probability,—that they were in fact unfounded; and conſequently of no importance; that as ſuch I then juſtly conſidered them; and therefore needed no "very powerful" motives to remain ſilent *five days*.

I cannot but regret that my reaſoning is ſo often not underſtood. When reciting my inquiry whether the poſts occupied by the troops of Spain within the territory of the United States, had been evacuated; and your anſwer, that not having for ſome

months heard from the Baron de Carondelet, you "were deprived of any information touching the ſteps taken for the execution of the treaty."—I put theſe laſt words between inverted commas, not as you ſay, "in order to draw attention"—but becauſe they were an exact quotation from the tranſlation of your letter. And when I added, in my report, "nevertheleſs he (the miniſter of his Catholic Majeſty) had previouſly informed the Baron de Carondelet of his ſuſpicions of a projected expedition from Canada;" it was not to prove either that the Baron had received your letters, or that you had received his: but as that very information was aſſigned by the Baron as a reaſon for ſtill retaining and reinforcing the poſts, the obvious concluſion was that you wrote and tranſmitted to him the information with that view: and hence, that inſtead of diſclaiming all knowledge on the ſubject, candour ſhould have induced you to anſwer me, That although you had not received any late letters from the Baron, and therefore you could not ſay what ſteps had actually been taken for the evacuation of the poſts, yet that on account of the ſuſpected expedition from the Lakes, of which you had informed the Baron, you preſumed (or you adviſed, and probably you did adviſe) that he would ſtill hold poſſeſſion of them "to cover Louiſiana." This "logic," Sir, I hope is intelligible; and at any rate, not "extremely falſe."

I cannot omit noticing your obſervations on the 5th paragraph of my report. If, as you were obliging enough to promiſe, you had favoured me with *copies* of the Baron de Carondelet's two letters (of which you undertook to give me an oral but literal tranſlation) inſtead of their "ſubſtance," I might have been more correct in reciting his aſſertion—That Mr. Ellicott had not given him notice of his arrival at the Natchez as the Commiſſioner of the United States for running the boundary line. Whether this was a *complaint*, or an "*obſervation*," as you chooſe to call it, every reader of your letter will ſee to be of no conſequence. But whether the aſſertion was *founded* or *unfounded*, was material; ſeeing, in the ſame letter, Mr. Ellicott is charged with having "carried his zeal ſo far as to attempt to get poſſeſſion of the fort of the Natchez by ſurprize;" and an aſſertion follows, that "Governor Gayoſo ſays he has in his power documents which prove evidently the intention of this attempt." This accuſation againſt Mr. Ellicott I conſidered as injurious, not to him only but to the government; for which in the character of commiſſioner he was appointed to act. If other circumſtances induced me to doubt its correctneſs, the other complaint or "obſervation," which I knew to be unfounded, could not but increaſe my doubts. It was im-

portant, therefore, and my duy, to preſent them together to the Preſident's notice. I have not "entirely miſtaken" this matter. In my report to the Preſident, I did not undertake to recite what you "mentioned," but what you *tranſlated* from the Baron de Carondelet's letters: you *repeated* the charge in queſtion; and it was not till then that I handed you the copies of the Baron's and Mr. Ellicott's correſpondence ſhewing the repugnance of fact to aſſertion; and it was then that you bluſhed; as I had before been aſtoniſhed. And your remark, afterwards, was what I have ſtated in my report, "That you ſuppoſed the Baron did not conſider Mr. Ellicott's letter as official." You then made no diſtinction between a *complaint* and an "*obſervation*," nor uſed the phraſe "in the rigour," nor any other qualifying words; except thoſe which are ſtated in my report.

Beſides, the Baron had no right to expect any other evidence of Mr. Ellicott's appointment than his letter, until they ſhould meet for the purpoſe of commencing the buſineſs of their appointments; when of courſe they would mutually exhibit their commiſſions. And from the Baron's anſwer of the 1ſt of March, it is plain that he expected no other notice: for he therein recognizes Mr. Ellicott as the commiſſioner of the United States.

In the laſt ſentence of your paragraph on this ſubject you ſay, "That when after a mixed and deſultory converſation upon various ſubjects, you had collected and methodized your ideas, and committed them to writing, my anſwer and obſervations ought to have been confined to the written communication." This obſervation, Sir, is inaccurate.

It may, however, be applied to a former part of your letter. You ſay that in our conference on the 27th of February, you mentioned to me the raiſing of 350 men at Montreal—that your informer ſaw them paſs through Johnſtown—and that you knew the Britiſh agents had treated with ſome of the Indian nations concerning an expedition preparing on the lakes. But in your letter of the 2d of March, in which you were "to collect and methodize your ideas" on the ſubject of your ſuſpicions, you do not introduce one of thoſe ſuſpicions: of courſe, on your own principles, I ought, if they ever had been mentioned, to have conſidered them as nullities.

In the 8th paragraph of your letter, you obſerve that my proof obtained from Mr. Ellicott's meſſengers, that he did not attempt to get poſſeſſion of the Natchez fort by ſurprize, is merely negative. I offered it only as ſuch. But the negative teſtimony of two men of good characters againſt a fact which they were likely to be acquainted with, if it exiſted, and whoſe exiſtence other circumſtances rendered improbable, and

the assertion of which is mingled wtih assertions, by the same person, of other facts, of which some, or even one, is known to be unfounded, merits consideration. There is, however, further evidence applicable to this case. In the letter dated at the Natchez the 5th of May, from Lieutenant Pope to Governor Gayoso, you will see that the governor had made the like accusation against the lieutenant. "A gentleman had informed him (the governor) that the lieutenant intended to attack the garrison at that place." Lieutenant Pope, justly hurt by the groundless assertion, desires the informer may be named, and required to acquit himself of his assertion, or be punished as a false accuser. The governor answers the next day,—speaks of the information as communicated to Lieutenant Pope in *familiar conversation;* and adds, that the informer was to be *despised*. Yet from the pointed manner in which Lieutenant Pope made the demand, it is evident that the information was presented to him as a serious accusation. After this detail, will it not be conjectured, that the governor's "documents" respecting Mr. Ellicott's "attempt" are of a piece with his "familiar conversation" with Lieutenant Pope concerning his "intended attack?"

In the 9th paragraph of your letter, you say that "after having discussed the history of these transactions, with all the force and accuracy which result from these observations, I assure, with a very ill-grounded confidence, that upon a view of the whole it appears, that his majesty's governors on the Mississippi have on various *pretences*, postponed the running of the boundary line and the evacuation of the posts." I must here also complain of misrepresentation. I did not in my report draw my conclusions from the history of *these* transactions—that is, of the transactions which you have *previously* mentioned in your letter, and which I have already noticed in this answer: but "Upon a view of the whole correspondence then and before submitted to the President." This correspondence I will now examine, to see whether the causes assigned by the Spanish governors, for postponing the running of the boundary line and evacuating the posts, merit the name of *reasons*, or of *pretences*.

Governor Gayoso being informed of Mr. Ellicott's descending the Mississippi, wrote to him on the 17th of February, desiring him to leave his escort at *Bayon Pierre*, 60 miles above the Natchez. Yet the treaty prescribed a military escort on each side to attend the commissioners in running the boundary line; and the *Natchez* as the place of their first meeting. The chief reason offered for this request was, that if the troops of the two nations were *brought together* "misunderstandings"

might arise between them. Yet the treaty required their *coming together* to attend the commissioners when they were jointly running the boundary line.—And the only reason the governor assigned for not evacuating the posts, was "The want of vessels," but which he expected would soon arrive.

On the 25th of February, governor Gayoso and Mr. Ellicott fixed on the 19th of March to proceed down the river to Clarkesville, near which it was supposed the boundary line would commence.

On the 9th of March, governor Gayoso informed Mr. Ellicott that the Baron de Carondelet could not attend the running of the line, in person, and that the whole business had devolved on him, the governor; but he feared he should not be ready by the 19th. And then he endeavoured to draw Mr. Ellicott from his proper station at the Natchez, by proposing a visit to the Baron at New-Orleans.

March 12th, the governor again endeavoured to draw Mr. Ellicott from the Natchez, and recommended Loftus' Cliffs near Clarkesville as the point of re-uniting: and by way of inducement, said the Geometer and other officers to be employed on the boundary line would stop at Clarkesville.

On the 15th of March, the principal part of the artillery was taken out of the fort, and every appearance made of a speedy evacuation: but on the 22d they were carried back to the fort, and immediately remounted. A similar movement took place at the latter end of April, after the arrival of lieutenant Pope and his troops at the Natchez. "The evacuation (says he) appeared to be going on with great life; when all at once the military stores were ordered back, their troops busily engaged all night taking back and remounting the cannon." Here he very naturally expresses his surprize—"This kind of conduct (says he) appeared and still appears strange."

March 23d, the governor mentions that orders had been given by the general in chief of the province to demolish the post at the Walnut Hills—*because their treaty with the Indians required it:* but as he (Gayoso) had since been informed of their unsettled dispositions, he had sent counter-orders, to prevent the fortifications being injured; suggesting at the same time that the moving of the stores, &c. was suspended only until the arrival of the American troops to take possession of the post.

In this letter the governor informs Mr. Ellicott that lieutenant colonel Guillemard was far on his way up; and, on his arrival, the running of the boundary line should begin. The governor adds this assurance "That there is nothing that can prevent the religious compliance with the Treaty."

On the 28th and 29th of March, governor Gayoso iſſued two proclamations, both bearing date the 29th, taking new ground for retaining the poſt, viz. until the right of the inhabitants to the real property is aſcertained. The governor is pleaſed to ſay that a negociation was then carrying on between the king of Spain and the United States, to ſecure to the inhabitants of the Natchez the right to their real property: that that right could not be ſecured but by an additional article to the late treaty; and that he ſhould keep poſſeſſion of the country until that article ſhould be officially communicated to him; *and until they were ſure that the Indians would be pacific.* This laſt reaſon particularly warrants my aſſertion—That the governors meant for an indefinite period to avoid an evacuation of the poſts—for while a tribe of Indians exiſted in that quarter, the governors could not be *ſure* that they would be pacific. And as to their real property, ſeeing the great body of the inhabitants appear not to deſire the patronage of the Spaniſh government to ſecure it: As the government of the United States muſt be at leaſt as anxious as that of Spain to protect the inhabitants in their rights, when become citizens of the United States: I believe there can be no difficulty in deciding whether this is a reaſon or a pretence. Beſides, the negociation mentioned by the governor *about the real property of the inhabitants*, has never exiſted; nor even been propoſed or hinted, either to or by the government of the United States. I hope, therefore, it will not be deemed harſh, or unbecoming in a letter of this kind, to ſay, that this motive for ſuſpending the evacuation of the poſts—that a negociation was then on foot to ſecure the real property of the inhabitants—does not merit the title even of a *pretence.*

So ſoon as the governor diſcovered that his proclamations, inſtead of quieting the minds of the inhabitants, produced a contrary effect, he ſent two gentlemen of the ſettlement to inform Mr. Ellicott that he, the governor, had received directions from the Baron de Carondelet to have the artillery and military ſtores expeditiouſly removed from the forts, which were to be given up to the troops of the United States immediately on their arrival. As this information did not remove ſuſpicions, Mr. Ellicott wrote the governor on the 31ſt of March, ſtating divers circumſtances which ſtill kept thoſe ſuſpicions alive. The governor anſwered on the ſame day in direct contradiction to the information given by the gentlemen, his agents, to Mr. Ellicott, and confirming the declarations made in his proclamations. He added alſo a new motive for retaining the poſts, viz. That the treaty left it doubtful whether, when the poſts ſhould be evacuated, the works were

to be left ſtanding, or to be demoliſhed, concerning which the governor general found himſelf obliged to conſult his Catholic Majeſty; and had given the governor poſitive orders to ſuſpend the evacuations of the poſts until the matter ſhould be amicably ſettled between the two governments.

On the 1ſt of May, another motive is aſſigned for retaining the poſts—The envoy of his Catholic Majeſty in the United States, had informed the governor general of an attack propoſed againſt the Spaniſh part of Illinois (the upper part of Louiſiana) by the Britiſh from Canada, and, therefore, the poſts at the Walnut Hills and the Natchez muſt be kept for the defence of lower Louiſiana.

This laſt motive is alſo offered as a reaſon why the running of the boundary line is poſtponed; as all their attention was drawn towards the defence of the province, againſt an invaſion which, as I have already ſhown, was never contemplated.

To all theſe facts, I have to add the declaration of General Wilkinſon, in his letter of June 2d, to the Secretary of War—"I have (ſays he) information through a confidential channel, that it was determined as early as *September laſt*, not to give up the poſts on the Miſſiſippi." If this information be correct, no other proof is neceſſary to ſhew that all the reaſons from time to time ſuggeſted for not evacuating the poſts were mere *pretences*.

I have here brought into one view the moſt material facts relating to the queſtion between us, which are ſcattered throughout the reports made by me to the Preſident of the United States on the 10th of June and 3d of July, and by the Secretary of War on the 30th of June, and the documents accompanying them, as they have been publiſhed. And from this brief recital it evidently appears, as I have ſaid in my report "That the governors of his Catholic Majeſty, on the Miſſiſippi, have, on various *pretences*, poſtponed the running of the boundary line, and the withdrawing of his troops from the poſts they occupied within the territory of the United States: And that after repeated overtures, promiſes, and appearances of commencing the execution of the treaty between the two nations, in both theſe reſpects, their conduct demonſtrates, that for an indefinite period they meant to avoid doing either."

You controvert this concluſion only on one ground. You ſay that the Treaty ſtipulated merely that the Spaniſh *garriſons* ſhould be *withdrawn*, not that *fortifications* which might one day be prejudicial to the king's ſubjects, ſhould be *delivered up*: and hence you infer that the neceſſity urged by the two governors of delaying to withdraw the garriſons until this queſtion is de-

cided between the two governments, is not a *pretence*, but a ſubſtantial reaſon. Here I muſt obſerve that the governors had already demoliſhed the poſt at the Chickaſaw bluff: And it appears in the foregoing recital that they were going to demoliſh the poſt at the Walnut Hills: and the reaſon aſſigned is that the treaties with the Indians required the demolition: and governor Gayoſo aſſigns but one motive for ſuſpending that operation—that he had been informed of the unſettled diſpoſition of the Indians; yet afterwards this reaſon (that their treaties with the Indians required the demolition of the poſts) is forgotten, and their deſtruction, or their delivery with all the fortifications and other works ſtanding, is by the governors made to depend entirely on the iſſue of a negociation between the governments of Spain and the United States! Can any farther proof be wanting to juſtify me in calling this a *pretence?* But you ſeem to rely on this your conſtruction of the Treaty relative to the poſts: You have urged it in your letter to me of the 24th of June; and therefore I will conſider it.

The 2d article of the Treaty having deſcribed the boundaries between the territories of the United States and Spain, thus proceeds—"And it is agreed that if there ſhould be any troops garriſons or ſettlements of either party, in the territory of the other, according to the above mentioned boundaries, they ſhall be *withdrawn* from the ſaid territories within the term of ſix months after the ratification of this treaty, or ſooner if it be poſſible: And that they ſhall be permitted to take with them all the goods and effects which they poſſeſs." But to juſtify your retention of the poſts, you ſay that the demarcation of the boundary line ſhould precede the withdrawing of the Garriſons: Yet *you* ſuppoſe it *probable* and his Catholic Majeſty's governors *well know*, that the Chickaſaw bluff—the Walnut Hills—and the Natchez are within the territory of the United States.

Governor Gayoſo ſpeaks of the boundary line as being near Clarkeſville, a place many miles below the Natchez; and he alſo knew the reſult of Mr. Ellicott's aſtronomical obſervations on the ſpot, which aſcertained the Natchez to be about thirty nine miles north of the ſouth boundary of the United States.

There being then not a ſhadow of doubt with reſpect to the poſition of theſe poſts—that they are all within the territory of the United States, there was no neceſſity previouſly to run and mark the boundary line: which beſides, if ſet about in good earneſt, it would take at leaſt a year to accompliſh, through a wilderneſs of many hundred miles in extent; and therefore it never could have been contemplated as neceſſary to precede the evacuation of the poſts, which was to be effected in *ſix months*,

*or ſooner if poſſible.* Yet fifteen months have elapſed, and you ſtill keep poſſeſſion.

But you ſuggeſt that it is at leaſt doubtful whether by the Treaty it was intended to leave the fortifications ſtanding, when the garriſon ſhould be withdrawn. You ſay "It is not to be preſumed that it could ever have been the intention of his Catholic Majeſty to deliver up fortifications, which, beſides that they had coſt him conſiderable ſums of money, may, by the effect of political viciſſitudes, be one day prejudicial to his ſubjects." I feel much reluctance to attempt the refutation of a conſtruction ſo obviouſly erroneous. It is probably the firſt time that to "withdraw" or *retire* from a place has been imagined to intend its *deſtruction.* If at the formation of the treaty the *demolition* of the poſts had been intended; it would aſſuredly have been expreſſed. But doubtleſs the idea never occurred, until it was found convenient to make it a pretence for holding the poſts. The phraſes "to withdraw a garriſon," *to evacuate a poſt or country,* have as determinate a meaning as any in the Engliſh language; and their meaning is aſcertained by frequent uſe in treaties; and to *deſtroy* a country or a fortified place, from which it was ſtipulated to "withdraw" an army or a garriſon, would be ſuch an act of barbariſm as ought never to take place among civilized nations. One of the lateſt treaties made by the United States (that with Great-Britain) has the ſame phraſe "His Majeſty will *withdraw* all his troops and garriſons from all poſts and places within the boundary lines aſſigned by the treaty of peace to the United States. This *evacuation* ſhall take place on or before the firſt day of June 1796." And theſe expreſſions are uſed in the ſame treaty as equivalent to "the delivery of the ſaid poſts." The Britiſh treaty was in this manner accordingly carried into effect—the Britiſh troops were *withdrawn,* and the works *left ſtanding.* The Britiſh officers were even careful not to expoſe the works to accidental deſtruction: for as the American troops did not reach the poſts by the firſt of June, ſmall Britiſh guards were left to preſerve the works from injury until the American troops arrived.

By the treaty concluded at Verſailles the 3d of September 1783, between Great-Britain and Spain, it was agreed, "That the King of Great-Britain ſhould cauſe Eaſt Florida *to be evacuated* three months after the ratification of that treaty, or ſooner, if it could be done." The evacuation took place, but no demolition of fortifications.

In the preliminary articles of peace between England, France and Spain, ſigned the 3d of November 1762, it was ſtipulated "That as ſoon as poſſible after the ratification of theſe preliminaries, France ſhould *evacuate* Cleves, Weſel and Guelders,

and generally all the countries belonging to the King of Prussia :" were *those places demolished*, or the *country laid waste*, when the troops withdrew ? Or were there any subsequent negociations to remove any doubts on the subject ?

But I have dwelt too long on a point that really required no elucidation.

On this, as well as on another occasion, you have thought fit to upbraid me with shewing to the British Minister a degree of candour and confidence which you insinuate he does not deserve, and which, you seem to think, I have withheld from you. Yet, Sir, all the declarations made to me by that Minister, verbally and in writing, touching the points in controversy between you and me, have been verified. As I have already said, you declared to me that you had just reasons for suspecting that an expedition was preparing on the lakes by the English, in order to attack Upper Louisiana. The British Minister, in the first instance, assured me that he had no knowledge of it—and his subsequent enquiries enabled him further to assure me that no such expedition had been or was intended by the British government. And I have in another place offered other reasons which confirm the truth of these assurances. Yet you tell me, that the assurance given me by the British Minister, *but without any signature* did not inspire the servantsof his Catholic Majesty with the same *blind confidence*, which it produced in me. I shall take no other notice of this remark, than to put you right in point of fact. The note of the British Minister containing the assurance to which you refer, is *not* " without a signature:" This (like other official notes from that Minister) has his signature—*his name written with his own hand*—at the head of it.

You declared to me " that you knew to a certainty that the English had made propositions to General Clarke, of Georgia, in order to avail themselves of his influence in that State, together with some other persons, for making a diversion, or serious attack against Florida." The British Minister informed me that although he knew nothing of General Clarke or his expedition from Georgia, a proposition had been made to him (the British Minister) for an expedition against the Floridas: but that he told the projector, that he had no power to authorize it: and besides, that there were among other objections to the plan, two of great weight—one that the Indians were to be employed—the other, that it would violate the neutral rights of the United States. The British Minister has since shewn me an original letter from Lord Grenville, dated the 8th of last April, in which he informs the Minister, that if

there were no other objections to the plan, the two mentioned by him, viz. that it could not be executed without employing the Indians—and without violating the rights of the United States, would be ſufficient to induce the Britiſh government to reject it.—This proves, Sir, that Mr Liſton's declarations on this point were not "vague and unauthentic" as you pronounce them, but in ſtrict conformity with truth.

As to General Clarke of Georgia, the Britiſh Miniſter declared he had never even heard of him; and the extract of the letter from Mr. Jackſon, the diſtrict attorney of Georgia, reſpecting General Clarke and any expedition forming there, in behalf of the *Engliſh* againſt the Floridas, will incline every candid enquirer at leaſt to doubt whether ſuch a project has ever been propoſed to him. We ſhall afterwards ſee that Mr. Blount's plot does not appear to have any connection with an expedition under General Clarke.

Thus you ſee, Sir, that I have not *blindly* placed a confidence in the Britiſh Miniſter: for aught that has yet appeared, he was entitled to the credit he has received.

I return to your letter. You mention your communications to the Baron de Carondelet reſpecting the intended expedition from Canada: from that moment, you ſay, imperious neceſſity, and the great principle of ſelf defence, made his Catholic Majeſty's officers turn their thoughts to objects of a more urgent nature than running the boundary line. And here you introduce "Mr. Blount's letter, and the late detected conſpiracy, as evincing how far their conduct in this reſpect was neceſſary." It is wonderful, Sir, that you ſhould attempt to make it be believed that Mr. Blount's letter and the late detected conſpiracy had any connection with the expedition which you ſuggeſted was preparing on the lakes of Canada againſt Upper Louiſiana. All that is yet diſcovered of Mr. Blount's project or conſpiracy, proves that it was to have been formed in one of the States *South of the River Ohio;* and that it was deſtined againſt the Floridas, and perhaps Lower Louiſiana. I, therefore, feel myſelf, for this and the other reaſons before exhibited, ſtill warranted in conſidering the ſuſpected Canada expedition among the *pretexts* for delaying to evacuate the poſts, and to run the boundary line: and conſequently that your charge, that I have in this inſtance "palpably attempted to make groundleſs and unfair impreſſions on the public mind," is alike unfounded and unbecoming your public character to ſuggeſt.

In your next paragraph you thus addreſs me. "Nor do your ill founded inſinuations ſtop here: ſentiments and expreſſions ſtill more violent, flow from that ſame haſty pen." This paſſage is in perfect correſpondence with the general ſtrain of

your letter. Whether your charge is correctly made is now to be examined.

I am ready to confeſs that my report thus ſtigmatiſed was, from the preſſure of buſineſs, written in haſte: but a reviſion of it ſatisfies me, nevertheleſs, that it is not inaccurate in its ſtatements.

You quote the paſſage in my report which has called forth this reproach; it is in theſe words—"That there is but too much reaſon to believe Mr. Ellicott's ſuſpicions well founded, that an undue influence has been exerciſed over the Indians by the officers of his Catholic Majeſty, to prepare them for a rupture with the United States." And then you ſay that I mention the ſource of theſe "dreadful conjectures" to be, a private letter from Mr. Sargent, Secretary of the North-weſtern Territory. Here you are extremely incorrect; as uſual when you undertake to recite my concluſions and the facts and circumſtances upon which they are formed. It is from "a view of the whole correſpondence" referred to in my reports of the 10th of June and 3d of July.—On the intelligence received by the Secretary of War—and the private letter from Colonel Sargent, that I drew the concluſion you have quoted.

Mr. Ellicott formed his ſuſpicions on the ſpot, from what was paſſing before him; and he is not a careleſs or undiſcerning obſerver.

General Wilkinſon ſays—"Letters from all quarters announce the diſcontents and menacing aſpect of the Savages; two white men have been recently murdered on the Ohio below the Cumberland; and the Savages beyond the Miſſiſippi, and thoſe who paſs Maſſac, make no heſitation to avow their purpoſe for war." And then he refers to a letter from Colonel Hamtramck, who commands the United States troops at Detroit, in which the Colonel ſays—"I am pretty ſure that both the French and Spaniards have Emiſſaries among the Indians. I have it from *indubitable authority*, that a large *belt* [by which he meant a Speech] from the *Spaniards* is now travelling through the different nations;" meaning the nations within the territories of the United States.

Colonel Sargent writes, it is true, a *private letter;* but it is to a public Officer; and his ſituation as Secretary, and Governor for the time, of the North-weſtern Territory, would render it his duty to be vigilent for its ſafety; and his character vouches for the accuracy of his information; and you do not queſtion the truth of any part of his ſtatement.

After mentioning that the Spaniards were reinforcing their upper poſts on the Miſſiſippi, that upwards of three hundred men had arrived at St. Louis and were erecting formidable

works; he adds—" It likewiſe appears, through various channels, that they are inviting a great number of Indians of the territory (meaning of the United States north-weſt of the Ohio) to croſs the Miſſiſippi: And for this expreſs purpoſe Mr. Loramie, an officer in the pay of the crown, made a tour through all this country laſt fall; ſince which time ſeveral Indians have been ſent on the ſame errand, and generally furniſhed with plenty of caſh to defray their expenſes"—" A large party of the Delawares paſſed down White River about the 6th of May, on their way to the Spaniſh ſide, *bearing the national flag of Spain ſent them from St. Louis.*

Lieutenant Pope, in his letter of May 9th to the Secretary of War, ſays—" There have been ſeveral attempts made to draw on the Indians upon my troops: I have fully aſcertained this fact, and demanded of the Governor to have a principal actor immediately brought to puniſhment, or ſent out of the country. He has been ſent for, and is now on board of one of the gallies which is now about deſcending the river."—And, Sir, if you enquire, you will find that this " principal actor" (Rapelje by name) was one of Governor Gayoſo's agents.

Theſe, Sir, are the grounds on which I expreſſed the opinion, That there was but too much reaſon to believe Mr. Ellicott's ſuſpicions well founded, that the officers of Spain had exerciſed an undue influence over the Indians to prepare them for a rupture with the United States.

This detail, Sir, ſtrikingly ſhews how little you have underſtood, and how entirely you have miſrepreſented my reaſoning on this ſubject. I leave you to reconcile your reflections on the Britiſh Miniſter and his nation for their inhumanity in employing the Indians in the American war, with your juſtification of the Spaniſh officers at this time, in ſecuring the aid of the Indians in your war with the Britiſh. " The Spaniards (you ſay) have fortified St. Louis *and availed themſelves of* EVERY MEANS OF DEFENCE *which the country afforded ;*" meaning by the ingenious expreſſion *every means of defence which the country afforded,* the employing of the Indians.

You are pleaſed next to charge me, in your cuſtomary ſtile, with " falling into the moſt *glaring inconſiſtency,*" becauſe I remark that although, " it may be difficult to ſay whether this plan of exciting the Indians to direct hoſtilities againſt the United States, has been contemplated and promoted by any of our own citizens; yet it is certain that one or more of thoſe citizens have propoſed and taken meaſures to detach the ſouthern Indians from the intereſts of the United States, and to deſtroy the influence of the public agents over thoſe nations, and

thus to defeat the great objects of their appointment; the chief of which is to preserve peace."

Having quoted this passage from my report, you ask "How is it possible to reconcile such evident contradictions? On the one hand the Spanish officers are those who excite the southern Indians against the United States, and on the other you quickly follow presuming, with sufficient foundation in my opinion, that it may be some citizens of the United States." Allow me, Sir, to ask in my turn, How it was possible for you not to see that here there is no contradiction? Is it not very possible that the Spanish officers might be courting the Chickasaws, who live above the Natchez, with large presents, and be preparing the Choctaws, who dwell along the Natchez district, and the Delawares, Shawanese, Miamis, and other tribes dwelling in the territory north-west of the Ohio, for war against the United States, while Mr. Blount and his agents were detaching the southern tribes of Cherokees and Creeks from the interests of the United States, and eventually to aid the British in an enterprize against the Floridas? The Cherokees and Creeks, you might have seen, were the only Indian nations mentioned in governor Blount's letter. And is it not very possible, if these two nations should thus be led to war against the Spanish possessions, that they might *not* be excited to *direct* hostilities against the United States? And, therefore, that although Mr. Blount might contemplate the former, he might abstain from the latter? And is not then my cautious manner of speaking of this latter, perfectly correct?

I am happy to arrive at your last observation. And I wish it was not, like the rest, exceptionable and incorrect. These are your words—"Respecting the last article of your report, I have only to observe, that although you have constantly assured me that government had not the least information respecting the subject of my representations, and although the letter of Mr. Jackson, of Georgia, appears to coincide with your ideas, nevertheless time has shewn that I have complied with my duty by not reposing on such assurances. The plot is discovered, and nobody any longer doubts the expedition was to have taken place."

The expression that "you complied with your duty in not reposing on such assurances" may mean that you thought the assurances *deceitful*, and, therefore, not meriting belief. Perhaps you did not intend this. Perhaps you meant no more than that the government had been "remiss" in its duty, in not pursuing with eagerness the trains of your various suspicions. But I must show you that here (as in all other instances, your criminations are void of foundation, in either point of view.

The laſt article of the report reſpects general Clarke of Georgia, to whom you ſaid "you knew of a certainty that the Engliſh had made propoſitions, in order to avail themſelves of his influence in that ſtate, with ſome other perſons, for making a diverſion or ſerious attack againſt Florida:" and you add that "you do not doubt that in conſequence of your information, the executive government will take the proper ſteps that *Georgia* alſo ſhould not infringe the laws of neutrality." Here you confine your requeſts to *Georgia*, that ſhe might not infringe the laws of neutrality: and my letter to Charles Jackſon, eſquire, the diſtrict attorney of that ſtate, ſhows that the government took prompt meaſures to defeat the project of general Clarke and his aſſociates, if ſuch a project exiſted. I ſuppoſe none did exiſt: You acknowledge that the letter from Mr. Jackſon coincides with my ideas. Your "certain knowledge" of an intended expedition in favour of the Engliſh from Georgia againſt Florida, under general Clarke, you have never ſupported by a ſhadow of evidence. If you poſſeſſed any evidence of the fact, it would be eaſy to produce it. What you call your "certain knowledge" could reſt only on information, or the teſtimony of others, which might be as falſe or as vague and inconcluſive, as the information about the Canada expedition; which I hope I have proved, to your conviction, never to have exiſted, even in idea. Yet you declared to me that you had "*juſt reaſons* for ſuſpecting that expedition was preparing on the lakes:" and hence how can I avoid concluding, that your "certain knowledge" in one caſe, like your "juſt reaſons" in the other, were without a ſufficient foundation.

But you ſay "The plot is diſcovered, and nobody any longer doubts that the expedition was to have taken place." Strange remark! Juſt the reverſe of it ſhould have been made. For although there is a diſcovery of Mr. Blount's plot, its extent is by no means aſcertained; and far from nobody doubting, probably every body doubts whether the projected expedition was to have taken place. It was not to be undertaken but in conjunction with a Britiſh force—and on the propoſal of the expedition to the Britiſh government it was totally rejected. Even Mr. Blount, who, if the project was adopted, *expected to be at the head of it*, ventures no farther than to ſay *he believed* that the plan would be *attempted, but if* attempted, that it would not be till the "fall:" and conſequently your zeal in March and April, for which at the expence of decency towards the American government, you take to yourſelf ſo much credit, had then no juſt object. This zeal of yours is diſplayed in the information you gave to the Baron de Carondelet, in

March or April, of the expedition ſuppoſed to be preparing in Canada againſt Upper Louiſiana: yet you would now attempt to juſtify this zeal by the plot of Mr. Blount; although this plot and the Canada expedition were wholly diſtinct and unconnected.

I ſhall conclude this long letter with your eleven poſitions, which you ſtate with as much ſerious formality as if they were all of them important, and all of them ſupported by facts or juſt reaſoning: But the details I have given demonſtrate that theſe poſitions are either unfounded, or ſimple propoſitions of not the ſmalleſt conſequence.

Theſe are your poſitions addreſſed to me in your own words.

" 1ſt. That on the 27th of February I gave you ſufficient particulars reſpecting the intended expedition, to have attracted the attention of this government."

Anſwer. I have offered reaſons to prove that you gave me *no particulars*, but only mentioned your *ſuſpicions*, and that you promiſed to give me your repreſentations in writing; for which, of courſe, it was proper for me to wait.

" 2. That altho' to this verbal communication, I added another in writing on the 2d of March, the Preſident had not the leaſt knowledge of it on the 9th of the ſame month; and that without doubt you muſt have had very powerful motives to prevent you from communicating it to him."

Anſwer. I have accounted for the delay in a ſatisfactory manner. I have ſhewn that I had abundant reaſon to conclude your ſuſpicions to be wholly unfounded, and for attaching no ſort of conſequence to them. The event demonſtrates that I was right; and that inſtead of *very powerful* motives, none were needed for a delay of only four or five days, or for a much longer period; and that to notice your naked ſuſpicions at all, was not an act of neceſſity, but of complaiſance. I might with juſtice complain of *your* delay to anſwer my letter of the 16th of March, on a ſubject of very high importance to the United States, I mean the evacuation of the poſts. I will not ſay that you were negligent—or " remiſs"—but I will ſay that for a whole month you omitted to give me your ſhort and unſatisfactory anſwer. The indiſpoſition which you aſſign as the cauſe of the delay, did not prevent you from writing on other ſubjects—nor long from going abroad.

" 3. That it does not appear by the documents preſented by the Secretary of War, that government had given orders to the military commanders to cauſe the territory and neutrality of the United States to be reſpected."

Anſwer. I have ſhewn that none were neceſſary to be given.

"4. That you made to the Engliſh Miniſter a communication which in my opinion you ought not, and that even if you thought it neceſſary, you delayed doing it for two months, that is from the 27th of February to the 28th of April, altho' it reſpected a moſt urgent and important object."

Anſwer. On the 28th of April, I informed you by letter that I had communicated to the Britiſh Miniſter your ſuſpicions of an expedition preparing by the Engliſh againſt Upper Louiſiana; and as for upwards of two months you expreſſed no diſſatisfaction on account of this communication, I might well conclude you did not think it improper. Nay in your letter of July 11th, which I am now anſwering, you refer with apparent approbation to this very communication, connected with the declaration which accompanied it to the Britiſh Miniſter, that the Preſident could not conſent to the march of any troops, either Britiſh or Spaniſh, through the territory of the United States; and you conſider it as a "determinate diſpoſition" of the American government on this point. I have alſo ſhewn, that admitting this communication to Mr. Liſton to be proper, I did not delay doing it for two months nor two weeks; altho' it reſpected at beſt but an *imaginary* project.

"5. That the Baron de Carondelet could very well have received my letters, without its neceſſarily following that his had come to hand."

Anſwer. I have ſhewn that you did not underſtand my reaſoning on this point; which went to prove that your anſwer of the 17th of April to my letter of the 16th of March, about the evacuation of the poſts, was wanting in candour.

"6. That the Baron did not repreſent Mr. Ellicott's not writing to him officially as a *complaint*, but as an *obſervation*, and that in fact he never has done it in thoſe terms."

Anſwer. I have ſhewn that whether the Baron's aſſertion ſhould have been called a *complaint* or an *obſervation* was perfectly immaterial; I meant to ſhew it was *unfounded*, and this you yourſelf admit.

"7. That the proofs you alledge to exculpate Mr. Ellicott reſpecting his intentions of taking the fort of Natchez by ſurprize are purely negative."

Anſwer. I offered them only as negative proofs. Yet when one complaint or aſſertion againſt Mr. Ellicott was known and acknowledged not to be true, the *negative* teſtimony of gentlemen likely to be well informed, would be deemed ſufficient to bring another, and in its nature very improbable, complaint or aſſertion of the ſame perſon, into diſcredit.

"8. That it is not merely *pretences*, but very powerful reaſons which have impeded the evacuation of the Poſts, and the running of the boundary line."

Anſwer. The point of view in which I have now exhibited the conduct of the Spaniſh governors relative to the evacuation of the poſts, and the running of the boundary line, I ſhould ſuppoſe might convince you that the cauſes which they have offered for the delay, are mere *pretences:* the American citizens, to whom you have appealed, have been convinced only by reading the printed documents, without any comments.

"9. That the inſinuations with which you are willing to perſuade the American people that our arming is directed againſt them, are unjuſt as well as unfounded, as by Mr. Blount's letter it is clearly demonſtrated to be a precaution for the mere purpoſe of defence."

Anſwer. The grounds of my ſuggeſtions, which you call "inſinuations" are detailed in this letter, and embrace too many facts and circumſtances to be abridged: permit me to deſire you to review them. I ſhall only repeat, that nothing is more certain than that Mr. Blount's letter has not the remoteſt reference to the ſuſpected Canada expedition; which is your only pretence for reinforcing the poſts in Upper Louiſiana—for calling the Indians to your aid—for holding the poſts at the Natchez, and Walnut Hills—and for delaying to run the boundary line.

"10. That you evidently contradict yourſelf, when on one hand you are pleaſed to attribute to us the movements of the Indians, and in the very next paragraph you ſhew it might proceed from American Citizens, as it actually does, according to Mr. Blount's letter; and that he acted with the knowledge and intelligence of the very ſame Britiſh Miniſter, in whoſe private notes, *without ſignature, and perhaps not of his own hand writing*, you place ſuch implicit confidence.

Anſwer. I have ſhewn that there is not a ſhadow of contradiction in my obſervations on this ſubject; and your aſſertions to the contrary muſt proceed only from your not underſtanding them. You ſay that Mr. Blount acted in this matter with the knowledge and intelligence of the Britiſh Miniſter. This is not likely to be true. It is in proof, by other evidence than the Britiſh Miniſter's notes, that he did not and could not authorize the projected expedition againſt the Floridas—and particularly that one of his ſtrong objections againſt it was, that it contemplated the employing of the Indians; although he thought it proper to ſubmit the project to the conſideration and deciſion of his government. Nobody therefore will believe that he authorized Mr. Blount, or was even privy to his meaſures, for preparing the Indians for war. Beſides, doctor Romayne, who may be preſumed to be well acquainted with Mr. Blount's

plot, ſuggeſts that it is not the project offered to Mr. Liſton by Chiſholm. Theſe are his words: "Mr. Blount is totally unknown to Mr. Liſton, *and ſo are all his views.*" And there is a paſſage in Mr. Blount's letter which countenances the doctor's aſſertion, and indicates, that although Chiſholm and Blount had ſome communications with each other, yet that their views were not preciſely the ſame. Mr. Blount, in his letter to Carey, ſays, "Where captain Chiſholm is, I do not know. I left him in Philadelphia, in March, and he frequently viſited the Miniſter and ſpoke upon the ſubject; but I believe he will go into the Creek nation by way of South-Carolina or Georgia. He gave out he was going to England; *but I did not believe him.*" Theſe laſt words afford a pretty ſtrong proof that they were not acting wholly in concert. Probably Mr. Blount endeavoured to perſuade Chiſholm that he would co-operate in the proſecution of *his* ſcheme; while at the ſame time he might have another of his own or in concert with doctor Romayne, and ſtand ready in the event of things, to make his advantage of either; whichever ſhould offer the beſt proſpect of ſucceſs: Doctor Romayne, you ſee, ſays that Mr. Blount is totally unknown to Mr. Liſton: But it is well known that Mr. Blount was your frequent gueſt, and intimate companion; and that he was on this intimate footing with you during the whole time that you were repreſenting to the government, your ſuſpicions of Britiſh expeditions. Yet after the diſcovery of the conſpiracy was made public, you formally requeſted the American government to puniſh him for ſo ſcandalous a crime. But ſeeing that Mr. Blount was a citizen of the United States, and not a ſubject of Spain, it would have been decent in you to have left him with his own government without interpoſing your advice. But eſpecially when you knew that the Preſident had laid his letter before Congreſs; and the two Houſes were deliberating on the modes of puniſhing him; when the inveſtigation had proceeded ſo far that a committee of the Senate had reported a reſolution to expel Mr. Blount from the Senate; and a committee of the Houſe had reported a reſolution that he ſhould be impeached for high crimes and miſdemeanors: For you then to interfere was ſingularly improper; and it was ſuch an oſtentatious diſplay of zeal, as under all the known circumſtances, ſuggeſts more than one interpretation.

"11. That although in all your official communications, you have always manifeſted to me that the American government knew of nothing which indicated any foundation for my ſuſpicions, Mr. Blount's letter clearly proves that I was perfectly in the right."

Anſwer. This remark is perfectly in-conſequential; for your communications exhibited your ſuſpicions of projected expeditions only from Canada and Georgia: and I have ſhown that Mr. Blount's letter has no relation to either.

I thought I had reached the end of your criminations: but in your concluding paragraph you accuſe me of an "unjuſt partiality," meaning, no doubt, towards the Britiſh miniſter and his nation. The details I have given in this letter, I truſt will abundantly prove that this charge is as unfounded as it is indecent. Thoſe details verify the repreſentations of the conduct of certain Spaniſh officers which are given in my report of the 3d of July to the Preſident. If the truth has excited any unpleaſant ſenſations, thoſe only are to blame whoſe injurious acts obliged me plainly to declare it. Inſtead of this taſk, I ſhould have been happy to execute the grateful office of ſtating to the Preſident the good faith and amicable manner in which the officers of his Catholic Majeſty had executed the treaty of friendſhip, limits and navigation between our two nations.

You think alſo that my report to the Preſident *is not calculated to ſtrengthen the bonds of friendſhip which unite Spain and America.* Friendſhip, Sir, cannot ſubſiſt without *mutual confidence*; and *confidence* ſprings from *ſincerity*. But the proceedings of the Spaniſh officers, which are the ſubject of this correſpondence, have ſhaken the confidence of the government and of the citizens of the United States; and my report to the Preſident only exhibits a ſummary of thoſe proceedings; or rather the plain and obvious concluſions from the authentic facts and circumſtances detailed in the documents, then and before preſented to his view. And I dare venture to ſay, that every independent American has from the ſame premiſes drawn the ſame concluſions.

Nothing, Sir, will give truer ſatisfaction to the government and citizens of the United States than to ſee ſuch a change in the proceedings of the Spaniſh officers as will reſtore confidence. The change would be eaſy, and the effect certain. *Let them withdraw their troops and garriſons from the territories of the United States. Let them commence and proſecute the running of the boundary line. Let them ceaſe to ſtop, controul or regulate the paſſage of our citizens on the Miſſiſippi, ſeeing theſe have a right to navigate it with perfect freedom—And let them ceaſe to ſend Agents or Emiſſaries among the Indians reſiding within the territories of the United States.* When they ſhall do theſe things (and the good faith of his Catholic Majeſty pledged in the treaty renders their doing them an indiſpenſable duty) then we ſhall forget what is paſt; our confidence will return; and with it that beneficial

intercourſe and thoſe friendly acts by which neighbours may promote each others intereſts, welfare and happineſs. And for ſuch a ſtate of things, whatever you may have imagined to the contrary, no one more ardently wiſhes, and on its arrival, no one will more ſincerely rejoice, than

Your obedient ſervant,

TIMOTHY PICKERING.

## (No. 14.)

### (TRANSLATION.)

SIR.

THE day before yeſterday, the 17th, your letter of the 8th inſtant was received at my houſe at Philadelphia, and yeſterday, the 18th, it came to my hands at this city. I avail myſelf of the firſt opportunity to acknowledge the receipt of this your anſwer to my letter of the 11th of July laſt, and as the examination of its contents would lead us to an endleſs diſcuſſion, I confine myſelf to mention to you that when I had the honor of giving you the firſt notice relative to the projected expedition againſt Louiſiana, with all the particulars referred to in my ſaid letter, you were *alone* in your Cabinet: That two days after I went to ſpeak to you on another ſubject, and having there met the Secretary of War, Mr. M'Henry, I embraced the opportunity of ſpeaking anew concerning it; and if then I ſpoke in general terms, it was doubtleſs to avoid the repetition of what I had communicated ſo ſhortly before. As it appears that you have forgotten this circumſtance, it is not extraordinary that it ſhould have eſcaped your memory in like manner with all the particulars of my firſt conference, mentioned in my above cited letter.

I offer myſelf to your diſpoſition, and hope that God will preſerve you many years.

Your moſt obedient ſervant,

CARLOS MARTINEZ de YRUJO.

*New-York, 19th Auguſt,* 1797.

Timothy Pickering, Eſquire,
Secretary of State.

## (No. 15.)

(TRANSLATION.)

SIR,

WHEN the King my master appointed me his Envoy Extraordinary to the United States of America, immediately after having made with them a treaty the most liberal and generous,* I flattered myself, that the principal exercise of my functions would be to give and receive repeated proofs of the union and friendship so intimate by the bands of that Treaty. Instead of those flattering expectations judge of my feelings on seeing them entirely vanished, and finding in that convention, which I trusted would forever have united us, the origin of disagreement and contention unfortunately too well founded on our part.

I have before made known to you the just motives which had determined the Spanish Commandants of Louisiana, to suspend in part the entire execution of the treaty, as no injury to the United States would flow from a short delay; and it might occasion great injury to the security of the possessions of the King to abandon certain posts, which under present circumstances would leave Louisiana open to the attacks of the English, and exposed to the effects of the evil intention of some Citizens of the United States. I have also heretofore shewn to you, that the American Agents at the Natchez, far from contributing to preserve that union and harmony which is so suitable to the two nations, conducted themselves in a manner highly imprudent; and even that I had reason to believe that they intended to obtain possession of the fort by surprize. The last advices which I have received from those parts, and the documents I herewith transmit to you, appear to me to prove it in such manner that I cannot but consider those suspicions as being very well founded.

For some time past the conduct in this respect of the Commandant of the American troops, Mr. Piercy Smith Pope, and at first of Mr. Andrew Ellicott, has been irregular, provoking, and in some degree hostile. The Commandant Don Manuel Gayoso had positive advice that in the camp of said Pope a great number of ladders were making, and that arms (armas

* Altho' you only characterize as *just*, the stipulations of the treaty with Spain, I will take the liberty of observing, that, abstractedly from all the points which I touched in my letter of the 6th May, the Spanish sovereignty over the Natchez being in right of conquest at the period of the peace of 1783, if the United States obtained this possession by a voluntary convention, they owe it only to the *generosity* of Spain.

blancas) were preparing, evincing by these preparations their determination to assault the fort. The firmness and vigilence of the Governor Don Manuel Gayoso appears to have induced them to alter their intentions, and being well persuaded, that the forts of *Nogales* and the Natchez could not be taken either by force or surprize, they availed themselves of some profligate people to foment an insurrection, which it appears was to have taken effect on the 12th June, and which the prudence and preponderance of the wealthy inhabitants were alone capable effectually to stop.

The official letters of Mr. Piercy Smith Pope and Mr. Andrew Ellicott, numbered 3 and 4, and the documents 5 and 6, evidently show the part which both of them took in that popular commotion, however they may pretend to deny it: since assuredly nothing of this kind would have happened, if they had not assumed without any authority whatever to treat of and determine some points and discussions of a political nature foreign to their Commission, with a publicity and arrogance calculated to compromit the two powers, explaining themselves without candour and with intent to lead astray the populace on the principal point of the difficulty which had occasioned a wish on both sides for an explanation of the doubts which arose respecting the treaty.

If their conduct has been provoking and insulting, their language towards the Spanish Government has not been less so. Mr. Andrew Ellicott in his letter of the 13th of June, to Don Manuel Gayoso, says, to *embrace the means which will finally assure to them their happiness cannot be censured,* (alluding to the change of the people of the Natchez from the dominion of the King my master to that of the United States) this is clearly an indirect attack upon the Spanish Government, as unjust as improper on the part of an Agent of a friendly nation.

The document number 5, signed by Mr. Ellicott and Piercy Smith Pope, dated the 13th June, evidences, by the manner in which it is written, their intentions to deceive the public. At that time and even since they neither had nor could have just ground for officially speaking of an approaching rupture between the United States and Spain; yet you will see, that they speak of it as a thing at hand and almost inevitable, relying only on the preparations for self-defence made in some forts on the banks of the Mississippi, and which they knew to be in consequence of the intended expedition of the English.

The whole tenor of their correspondence and particularly the document number 6 leaves no doubt that these Agents have interfered in political matters utterly foreign to their commission, engaging themselves to *co-operate with the Committee ap-*

*pointed to obtain the due execution of justice; and* APPROVING of the propositions presented to Governor Gayoso.

The repeated declarations you have made to me, that the intention and desire of the United States are to preserve peace and a good understanding with Spain, leave me no room to doubt, that the scandalous and insulting conduct of Mr. Ellicott, at first, and finally of Captain Piercy Smith Pope, is purely arbitrary, without any other guide than their passions and individual interests; and at the same time I can do no less than apply to you in the name of the King my master, in order that for such repeated insults there may be given to us due satisfaction as necessary to Spain as becoming for the United States.

God preserve you many years.

Your most obedient and humble servant,

CARLOS MARTINEZ de YRUJO.

*Philadelphia, 9th October,* 1797.

Timothy Pickering, Esquire,
Secretary of State.

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*The Documents referred to in the preceding letter, are*

(No. 1.) Governor Gayoso's letter of June 13, to Mr. Ellicott. This is the same with the document No. 2. before inserted.

(No. 2. A.) Governor Gayoso's letter to Lieut. P. Pope, of June 13.

(No. 3. A.) Lieutenant Pope's answer of the same date.

(No. 4.) Mr. Ellicott's answer to Governor Gayoso, of June 13.—This is the same as the document No. 3. before inserted.

(No. 5. A.) Advice from Mr. Ellicott and Lieutenant Pope, to the people, to remain quiet.

(No. 6.) Their approbation of the articles of pacification between Governor Gayoso and the inhabitants.—This is the same as the preceding document No. 8.

[ No. 2. A. ]

*Governor Gayoſo, to Captain Pope.*

SIR,

FROM repeated information of which I am poſſeſſed, it appears certain (and the conduct of ſome of the inhabitants of this government equally manifeſt it) that a number of the ſubjects of his Majeſty meditate and intend to riſe and hoſtily attack the fort, unmindful of the oath of fidelity, which they have taken, and of the benign protection which the government has diſpenſed to them for many years, and declaring themſelves, as it is ſaid, Citizens of the United States of America. It is alſo further aſſerted, that they do it by your inſtigation, and that they have in their poſſeſſion a paper in which you give authority to them in their rebellious deſigns, and by which you promiſe them your protection and to furniſh them the means of putting them into execution.

I cannot perſuade myſelf that you would act in ſo unlawful a manner as to be the promoter and an active party in an inſurrection which will inevitably terminate in a rupture between the two nations and the total ruin of this diſtrict and its inhabitants: Wherefore I pray you to inform me poſitively whether ſuch is, or is not, your intention, in order that I may notify it to the Commandant General of this Province, that it may be communicated to his Majeſty. And if you perſiſt in the ſame opinion, from this moment I proteſt ſolemnly in the name of my ſaid Commandant General, againſt a conduct ſo irregular, making you reſponſible for the fatal conſequences, which may flow from it.

I repeat the requeſt to you to give me a catagorical anſwer on this ſubject, and I have the honor to be with conſideration,

Sir, your moſt obedient ſervant,

MANUEL GAYOSO de LEMOS.

*Natchez, 13th June* 1797.

[ No. 3. A. ]

*Lieutenant Pope, to Governor Gayoſo.*

Camp at the Natchez, *13th June*, 1797.

SIR,

I HAVE received your letter of this date, in anſwer to which I muſt avail myſelf of anterior occurrences. Shortly after my arrival here, did you not poſitively give it to be underſtood,

that you intended to evacuate this poſt, as being within the territory of the United States? In attending to your firſt correſpondence, I preſume you cannot impute to me the charge of inconſiſtency and impropriety. If your government feels the neceſſity of breaking its engagements, and if on this very account the people become irritated againſt it, as I have not been the firſt promoter of the deceit, ſo I am as little reſponſible for the event. I conſider myſelf as the perſon appointed by my government to take poſſeſſion of the poſt of the Natchez: you admitted it in the beginning, and I conſequently have a right to ſuſtain it. It is not ſurprizing that the citizens of the United States have choſen me to defend their right. After reflecting maturely upon every part of the queſtion, it is ſurprizing, that you ſhould yet conſider the people of the Natchez as ſubjects of his Catholic Majeſty. But you appear to me to requeſt that I ſhould give you poſitive anſwers to general queſtions.

Have you endeavoured to inſtigate the people of this country to act hoſtily againſt the intereſts of his Catholic Majeſty?

Have you ſtirred up the people to take the fort? Or have you moved or incited them to other hoſtile objects?

To each of theſe queſtions I anſwer poſitively, no: but as commandant of the troops of the United States at the lower poſts, I muſt aſſure you, that the landing of any troops or the repairing of the fortifications of the territory in queſtion, will be conſidered as an attack upon the dignity and the honor of my country, and I ſhall conceive myſelf bound by duty to act conformably to my preſent ſentiments. I cannot nevertheleſs, as far as reſpects myſelf, omit informing you, that any agreement upon juſt principles will meet my approbation.

PIERCY SMITH POPE, } Commandant of the troops of the United States on the Miſſiſippi.

Señor Don Manuel Gayoſo de Lemos.

[ No. 5. A. ]

*Copy of a paper which was circulated.*

WE the ſubſcribers have no knowledge of our Country being now at war; but from the hoſtile preparations, which the Officers of H. C. M. are making in theſe parts we are induced to believe, that war is not very diſtant, and until the commencement of hoſtilities againſt the United States, thoſe

who conſider themſelves Citizens thereof will reſpect all deſcriptions of perſons and things.

ANDREW ELLICOTT, } Commmiſſioner of the United States.

PIERCY SMITH POPE, } Commandant of the troops of the United States on the Miſſiſippi.

*Natchez, 13th June, 1797.*

## (No. 16.)

### (TRANSLATION.)

*From the Chevalier de Yrujo, to the Secretary of State.*

SIR,

ALTHO' the anſwer which you gave to the letter I had the honor of writing to you on the 6th of May laſt, excited in me all the obſervations which I ſhall now preſent to you in this, wiſhing upon the whole, that the intereſts of America would induce its Adminiſtration to adopt the conciliatory mode which I propoſed to you, that of giving to the American Plenipotentiaries going to Paris, the neceſſary inſtructions for adjuſting the differences with Spain, I at that time abſtained from entering into a reply; which although well founded, might not perhaps contribute ſo much to the good intelligence between Spain and the United States, as the idea which I then ſuggeſted to you, and have juſt now mentioned. The lively deſire which I have had and ſtill have, not to ſee interrupted the harmony between theſe two nations, has cauſed me to view with regret after ſeveral weeks ſilence your diſappointment in ſuppoſing that the reaſons upon which your anſwer is founded were ſufficient to convince his Catholic Majeſty of the impartiality and good faith of the United States on this point. My ſuſpicions have been verified, and your expectations are entirely fruſtrated by the late orders which I have juſt received from the King my Maſter.

His Catholic Majeſty has not obſerved in the ſaid anſwer from you, any reaſon to induce him to change his opinion concerning the injuries reſulting to his ſubjects from the ſtipulations of the Engliſh Treaty, compared with thoſe of the Treaty with Spain, as well on the ſubject of the Articles of contraband, as on the principle adopted in ours "That free ſhips ſhould make free goods, &c."

But what has moſt aſtoniſhed his Majeſty and confirmed him in the juſtice of his pretenſions, is what you have ſaid in your anſwer with regard to the navigation of the Miſſiſippi. I am ordered, therefore, on a review of the whole, to make to this government, thro' you, the following obſervations.

When the Secretary of State, Mr. Jefferſon, on the 15th of May 1793, wrote to Mr. Ternant, then the Miniſter Plenipotentiary of France, reclaiming the Engliſh ſhip Grange, captured at the mouth of the River Delaware, by the Frigate L' Ambuſcade, belonging to the Republic, he accompanied his letter with the opinion of Mr. Randolph, Attorney General of the United States, in which the right of reclamation was among other reaſons founded on the following.

" That the whole of its deſcent to the Atlantic Ocean is covered on each ſide by the territory of the United States: That from tide-water to the diſtance of about ſixty miles from the Atlantic Ocean, it is called the river Delaware.

" That its mouth is formed by the Capes Henlopen and May; the former belonging to the State of Delaware in property and juriſdiction; the latter to the State of New-Jerſey.

" That the Delaware does not lead from the ſea to the dominions of any foreign nation.

" The corner-ſtone of our claim is, that the United States are proprietors of the lands on both ſides of the Delaware, from its head to its entrance into the ſea.

" *A River conſidered merely as ſuch, is the property of the people through whoſe lands it flows, or of him under whoſe juriſdiction that people is.*" Grot. b. 2. c. 2. §. 12.

" *Rivers might be held in property, though neither where they riſe, nor where they diſcharge themſelves be within our territory, but they join both, or the ſea. It is ſufficient for us that the larger part of water, that is, the ſides, is ſhut up in our banks, and that the river in reſpect of our land, is itſelf ſmall and inſignificant.* Grot. b. 2. c. 3. §. 7. And Barbegroe* in his note ſubjoins that neither of thoſe is neceſſary.

" *Rivers may be the property of whole States.* Puff. b. 2. c. 3. §. 4. *To render a thing capable of being appropriated, it is not ſtrictly neceſſary that we ſhould encloſe, or be able to encloſe it within artificial bounds, or ſuch as are different from its own ſubſtance; it is ſufficient if the compaſs and extent of it can be any way determined. And therefore* Grotius *hath given himſelf a needleſs trouble, when, to prove rivers capable of property, he uſeth this argument, that although they are bounded by the land at neither end, but united to the other rivers or the ſea, yet it is enough, that the greater part of them, that is, their ſides, are encloſed.* Puff. b. 4. c. 5. §. 3.

[* Meaning Barbeyrac.]

"*When a nation takes poſſeſſion of a country, in order to ſettle there, it poſſeſſes every thing included in it, as lands, lakes, rivers.* Vattel, b. 1. c. 22. §. 266.

"*Congreſs too have acted on theſe ideas*, when, in their collection of laws, they aſcribe to a ſtate the rivers wholly within that State.

"*The gulphs and channels, or arms of the ſea, are, according to the regular courſe, ſuppoſed to belong to the people with whoſe lands they are encompoſſed.* Puff. b. 4. c. 5. §. 8.

"Theſe remarks may be enforced by aſking what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion."

What a multitude of conſequences may be drawn from the application of theſe principles, eſtabliſhed by the American adminiſtration four years ago, with regard to the navigation of the Miſſiſipi! The powerful arms held therein by Spain for obſtructing this navigation, her not having made uſe of them, and her having inſiſted in a manner ſo explicit and poſitive that the *citizens of the United States alone* ſhould have a right to the advantages of this river, are a convincing and inconteſtable proof of the good faith and upright intentions of Spain. But the privilege of the Citizens of the United States to navigate the ſaid river to the ocean, not being now doubted—let us quit this point in order to treat alone of that which regards the right acknowledged to England by the American Adminiſtration, for the enjoyment of its advantages.

What does Spain wiſh or deſire? That the *American Citizens alone*, of all the foreign nations, ſhould enjoy the privilege of this navigation. What does the American Adminiſtration wiſh or deſire? *That it ſhould not be the American Citizens alone*, who ſhould reap the advantages of it. From this difference of pretenſions, it would appear that Spain defends the intereſts of America more than the adminiſtration itſelf.

You ſay in your anſwer to me of the 17th of May, "But I might deny that the United States *ever* granted the right of navigating the Miſſiſippi, to Great-Britain. A recurrence to the treaties to which you refer, will prove that ſhe poſſeſſed that right by the peace of 1763; and that ſhe has never *formally* relinquiſhed it." In another paragraph of the ſame letter you add, "By the definitive treaty of peace concluded the 3d of September 1783, the latter ceded to Spain Eaſt-Florida; as alſo Weſt-Florida: But the river Miſſiſippi, as you obſerve, is not even mentioned in the treaty. What is the juſt inference from this circumſtance the United States need not decide.

Doubtleſs Great-Britain conceived it important to hold a right to the navigation of it, and all parties at that time certainly ſuppoſed that parts of her territories joined its eaſtern ſide, and probably no one can now ſay they do not."

If it be certain that the United States never have granted to England the right of navigating the Miſſiſippi, to the Ocean, it is notwithſtanding very evident that *they have acknowledged it with every ſolemnity*, as appears by the treaty of 1783, by that of Commerce, and laſtly by the explanatory article ſigned on the 4th of May 1796. How then could you ſay to me "What is the juſt inference from this circumſtance, the United States need not decide?" Have they not decided as poſitively as favorably for England by acknowledging the claim to an unjuſt right? Which of the principles eſtabliſhed by the officers of the adminiſtration, in relation to the Delaware, in the caſe of the ſhip Grange, will apply to England in relation to the Miſſiſippi? For inſtance, is its ſource in the Britiſh dominions? Does it run through their provinces or diſcharge itſelf in their poſſeſſions? But you ſay that when by the Treaty of 1783, England ceded to Spain Eaſt and Weſt Florida, ſhe did not make mention of the Miſſiſippi, but the Attorney General of the United States eſtabliſhed in the caſe of the Grange the principle of Vattel. That "*when a nation takes poſſeſſion of a country, in order to ſettle there, it poſſeſſes every thing included in it, as lands, lakes, rivers,*" of courſe when Great-Britain ceded Eaſt and Weſt Florida, ſhe likewiſe ceded the *lands, lakes and rivers*, the right of which ſhe might have held in the ſaid poſſeſſions. By the principle eſtabliſhed by you that *ſhe had not expreſsly renounced it*, having made no mention of the rivers Apalachicola, Mobile or Alabama, and others, the United States might believe themſelves in like manner authorized to recognize the navigation in favor of England, becauſe they are not mentioned in the Treaty. France alſo might claim the navigation of the Miſſiſippi, ſince in the act of ceſſion to Spain of New-Orleans, ſhe did not *expreſsly* renounce the navigation of this River. By this ſame principle the United States might ſuppoſe themſelves authorized to recognize to France the right of navigating the river St. Laurence. The caſe is abſolutely ſimilar. France does not hold an inch of land on its borders, England does not poſſeſs a thumb's breadth on thoſe of the Miſſiſippi. The river St. Laurence neither has its ſource, runs through, nor empties in the poſſeſſions of France. The Miſſiſippi neither has its origin, runs through, nor empties in the dominions of England. France once had the right of navigating the river St. Laurence, becauſe ſhe had poſſeſſions on its borders. England alſo once enjoyed the right to the navi-

gation of the Miſſiſippi, becauſe ſhe had poſſeſſions on its margins. In the ceſſion of Canada no mention is made of the river St. Laurence, altho' it ſpeaks of Iſlands. Nor is the Miſſiſippi named in the ceſſion of the Floridas: the caſe then is abſolutely ſimilar. If the United States, although they did not grant, ſhould *acknowledge* to France the right of navigating the river of St. Laurence, would not England with infinite reaſon conſider herſelf as juſtly offended? Why therefore, when the United States acknowledge to England a right as unjuſt, with regard to Spain, as prejudicial to the American Citizens, ſhould not Spain look upon herſelf as offended and inſulted? I repeat the text of Vattel "*When a nation takes poſſeſſion of a country, in order to ſettle there, it poſſeſſes every thing included in it, as lands, lakes, rivers.*"

Afterwards touching the ſubject whether the poſſeſſions border on the Miſſiſippi or not, you add "*and probably no one can now ſay they do not.*" I can aſſure you *they do not*. The late diſcoveries of M'Kenzie, and the beſt Map that has hitherto been publiſhed of North America, in London, about eighteen months ago, by A. Arrowſmith, evidence that the true origin of the Miſſiſippi is in *White Bear Lake*, and that from that point its waters do not touch any Engliſh territory. If other teſtimony were neceſſary I ſhould not ſeek it abroad: at Milford in Connecticut, there now lives Mr. Peter Pond, who has been employed 17 years in the ſervice of the Hudſon Company, has paſſed over and examined all thoſe regions; has been at the ſame origin of the Miſſiſippi, that is at *White Bear Lake*, and has formed a valuable Map, which he now preſerves in manuſcript, and which *confirms* that the Engliſh have not a foot of land on the borders of the Miſſiſippi.

Having therefore, in my opinion, completely confuted the moſt eſſential part of the anſwer which you gave to my ſaid letter of the 6th May, and having proved to demonſtration the juſt motives which his Catholic Majeſty has for being offended with the *explanatory article* ſigned by you and Mr. Bond, on the 4th of May 1796, it only remains for me to aſk you in the name of the King my Maſter, whether the United States contemplate, or not, the performance of the above mentioned Treaty, in this particular.

I tender you my ſervices, and hope that the Lord may preſerve you many years.

Your moſt obedient ſervant,
CARLOS MARTINEZ de YRUJO.

*Philadelphia, 21ſt Nov.* 1797.

Timothy Pickering, Eſquire }
Secretary of State. }

# (No. 17.)

For the AURORA.

*To the* NATIVE AMERICAN.

THE punctuality with which I have anſwered the letters you addreſſed to the Chevalier deYrujo, and the defence you have taken on yourſelf as well of Mr. Pickering as of the intereſts of Great-Britain, authorize me in directing this letter to you, and impoſes on you the obligation of anſwering it. Previous to my entering on the principal object of it, permit me, Sir, to make a few obſervations.

Since our correſpondence has ceaſed, the King of Great-Britain and his Council have declared, *that they ſhould not conſider in England, as American Citizens, thoſe, who have been naturalized ſince the acknowledgment of our Independence.* This tyranical declaration, contrary to all the principles of natural right, acknowledged by the firſt publiciſts, which, as it injures a great number of individuals in this country and wounds at the ſame time the ſacred right of its ſovereignty, I expected would have excited in you, Sir, that fervent zeal with which you have appeared to defend the intereſt of the United States in the diſpute reſpecting the delivery of the poſts and the line of demarcation with the Spaniards. From whence then ariſes this ſilence? Are you ignorant of the effects of this determination which extends the oppreſſion of Great-Britain to the very wilds of America? Can you be ignorant that the three-fifths of that active and valuable claſs of citizens which export the products of the country, equip the ſhips which carry the American flag to the extremeties of the earth, and which ſupports our fiſheries, in the perfect confidence and ſecurity of being protected by that government to whom they have ſworn allegiance, are thereby entirely thrown on the mercy of England? And do you not foreſee that its immediate conſequence is authorizing the Britiſh ſhips of war hereafter to ſeize the crews of our veſſels under the appearance of a right? Where then is this zeal of yours which reſounded in every Gazette, when the ſubject in queſtion was merely a momentary ſuſpenſion of a *part* of the treaty with Spain, although this nation had the moſt powerful motives for ſo doing? What is become of the phalanx of ſcribblers, at whoſe head you appeared, with FENNO and the mighty PORCUPINE to defend vigouroufly the rights of America? Surely neither you nor any other perſon whatever will pretend to deny

or even expreſs a doubt, that the above mentioned declaration of the Britiſh monarch does not violate them in a moſt unjuſt and hoſtile manner? From whence then ſo much noiſe and clamour when treating of the affairs in diſpute with Spain? And from whence ariſes that ſervile ſilence, in a *Native American* when the queſtion is to defend his country againſt the tyranny of England? This difference of conduct confirms my ſuſpicions of your being a mere Britiſh hireling, who has aſſumed a reſpectable title in order the more eaſily to deceive the good faith and candor of your readers; but fortunately you have completely unmaſked yourſelf, and the public may now judge the degree of faith and confidence to be placed in your productions. But to return to the affairs of Spain.

In my former letters I think I evidently proved the injuſtice of your attacks againſt Spain and its miniſters: I think I have ſufficiently ſhewn that the projects of Blount, and the intended expedition of the Engliſh againſt the poſſeſſions of his Catholic Majeſty, have juſtified the retention of the poſts, as the moſt imminent danger might have ariſen by their delivery. I ſhall now endeavor to give freſh proofs of our adminiſtration's not acting towards Spain with that equity, juſtice and honour which a ſound policy requires, and which certainly appertains to a nation that calls itſelf neutral, and affects to be ſtrictly ſo.

Ever ſince exterior commerce and navigation, which is its conſequence, have influenced in politics, mercantile connexions have been conſidered the links which unite moſt one nation with another. Theſe mercantile relations conſiſt in mutual wants and reciprocal means of ſatisfying them. From ſuch evident principles it reſults that there exiſts few nations which would and ought to eſtabliſh a more intimate connexion than the United States and Spain. Our flour, plank, timber, pitch and the articles of ſalt proviſions, can always find a ſure and advantageous market in his Catholic Majeſty's dominions both in Europe and America; on the other hand, the wines, brandies, oil, and fruits of Spain, the coffee and ſugar of her colonies are articles we are in want of. Behold here the baſis of a perfect union and friendſhip which would open an extenſive field for ſpeculation with mutual advantage. His Catholic Majeſty made the firſt ſtep towards this union, by concluding with the United States a very liberal treaty eſtabliſhed on the principles of ſound policy, and when we ought to have expected that our adminiſtration would endeavour to tighten the bands of friendſhip with a nation from whom ſo many advantages would have accrued, it ſigned on the 4th of May, 1796, *only a few months* after concluding a treaty with Spain, an *explanatory*

*article* to that part of the Engliſh treaty which regards the navigation of the Miſſiſippi, acknowledging to the Engliſh a right to the ſaid navigation. In order to convince every impartial American of the injuſtice of this proceeding, I ſhall not ſeek in any foreign text for arguments on which to ground mine. The principles eſtabliſhed by the officers of the United States, three or four years ago will be the baſis of my obſervations.

When the Secretary of State, Mr. Jefferſon, wrote on the 15th of May, 1793, to M. de Ternant, then miniſter plenipotentiary of France, claiming the Britiſh ſhip Grange, taken at the entrance of the Delaware, by the French frigate l'Ambuſcade, he communicated to him the opinion of the Attorney-General of the United States, in which, among others, he founded his claim on the following reaſons:

"That the whole of its deſcent (the river Delaware) to the Atlantic Ocean, is covered on each ſide by territory of the United States:

"That from tide-water to the diſtance of about ſixty miles from the Atlantic Ocean, it is called the *river* Delaware:

"That its mouth is formed by the Capes Henlopen and May; the former belonging to the State of Delaware in property and juriſdiction, the latter to the State of New-Jerſey.

"That the Delaware does not lead from the ſea to the dominions of any foreign nation.

"The corner ſtone of our claim is, that the United States are proprietors of the land on both ſides of the Delaware, from its head to its entrance into the ſea.

"*A river conſidered merely as ſuch, is the property of the people through whoſe lands it flows, or of him under whoſe juriſdiction that people is.* Grot. b. 2. c. 2. §. 12.

"*Rivers might be held in property; though neither where they riſe nor where they diſcharge themſelves be within our territory, but they join to both, or the ſea. It is ſufficient for us that the larger part of water, that is the ſides, is ſhut up in our banks, and that the river, in reſpect of our land, is itſelf ſmall and inſignificant.* Grot. b. 2. c. 3. § 7. and Barobegre in his note ſubjoins that neither of thoſe is neceſſary.

"*Rivers may be the property of whole States.* Puff. b. 3. c. 3. § 4.

"*To render a thing capable of being appropriated, it is not ſtrictly neceſſary that we ſhould encloſe it, or be able to encloſe within artificial bounds, or ſuch as are different from its own ſubſtance, it is ſufficient if the compaſs and extent of it can be any way determined. And therefore Grotius has given himſelf a needleſs trouble, when to prove rivers capable of property, he uſeth this argument, that although they are bounded by the land at neither end, but united to the other rivers*

*or the ſea, yet it is enough, that the greater part of them, that is their ſides, are encloſed.* Puff. b. 4. c. 5. § 3.

"*When a nation takes poſſeſſion of a country, in order to ſettle there, it poſſeſſes every thing included in it, as lands, lakes, rivers.* Vattel, b. 1. c. 22. § 266.

"Congreſs too have acted on theſe ideas, when, in their collection of laws, they aſcribe to a ſtate the rivers wholly within that State.

"*The gulphs and channels, or arms of the ſea, are, according to the regular courſe, ſuppoſed to belong to the people with whoſe lands they are encompaſſed.* Puff. b. 4. c. 5. § 8.

"Theſe remarks may be enforced by aſking, what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion."

Now, Mr. *Native American*, what a multitude of conſequences could we not draw by an application of theſe principles (eſtabliſhed by our adminiſtration four years ago,) to the ſubject reſpecting the navigation of the Miſſiſippi! What powerful arms was it not in the hands of Spain to have refuſed us this navigation! Not to have made uſe of them and her inſiſting, in an explicit and poſitive manner, *that the citizens alone of the United States* ſhould have a right to the advantages of this river, evidently proves her good faith and ſound intentions. But as the right which the Americans have to navigate this river, to the very ocean, is no longer doubtful, let us quit this topic and treat only of that with reſpect to the right acknowledged, by our adminiſtration, in favour of England to theſe advantages.

What does Spain wiſh for, or deſire? *that, of all foreign nations, the Americans alone* ſhould enjoy the privilege of this navigation. And what is the wiſh and deſire of our adminiſtration? That the citizens of America *ſhould not be the only people* to enjoy its advantages. From this it evidently reſults, that the King of Spain is the defender of the intereſts of America, and that our adminiſtration inſtead of promoting it, has meanly ſacrificed it to England. Impartial Americans, who love your country, with more ſincerity than the *Native American* to whom I addreſs this letter, let your attention reſt a while on the preſent ſubject, and you will evidently ſee I do not exaggerate, when I tell you, that in this reſpect our adminiſtration has baſely ſacrificed our advantages by their unjuſt partiality to Great-Britain. In order to make this more evident, examine the anſwer given by Mr. Pickering on the 17th of May to the Chevalier de Yrujo's letter of the 6th of the ſame month; in

it you will see, that the Secretary of State of a neutral nation, precisely in a moment when his administration is taxed of being unjustly partial to England, instead of effacing this impression by a line of conduct strictly neutral, takes upon himself to defend the cause and interests of Great-Britain. Mr. Pickering, attacked by the strength of the Chevalier de Yrujo's arguments, says, "But I might deny that the United States *ever* granted the right of navigating the Mississippi to Great-Britain, a recurrence to the treaties to which you refer, will prove that she possessed that right by the peace of 1763; and that she has never *formally relinquished it.*" In another paragraph of the same letter he says "By the definitive treaty of peace between Spain and Great-Britain in 1783, the latter ceded to Spain East Florida, as also West Florida; but the river Mississippi, as you observe, is not even mentioned in the treaty. What is the just inference from this circumstance the United States need not decide. Doubtless Great-Britain conceives it important to hold a right to the navigation of it, and all parties at that time certainly supposed that parts of her territories joined its eastern side; and probably no one can now say they do not." Mr. *Native American*, if it be true that the United States *never* granted the right of navigating the Mississippi as far as the ocean, to Great Britain, can you or any other person who knows how to read, pretend to deny that if they did not *grant* it, they *solemnly acknowledged* it, as appears by the treaty of 1783, the unfortunate treaty of Commerce, and lastly by the explanatory article, signed the 4th of May, 1796? How then can Mr. Pickering presume to say, "what is the just inference from this circumstance the United States need not decide," has it not been positively decided in favor of Great-Britain by acknowledging and confirming an unjust right thereto? Which of the principles established by the officers of Government respecting the Delaware in the affair of the Grange, can be applied to England, with respect to the Mississippi? Does it take its rise in her dominions; does it run through the territories, or does it empty itself in her possessions? However, Mr. Pickering says that, when by the definitive treaty of peace of 1783, England ceded East and West Florida, no mention was made of the Mississippi; Mr. *Native American*, the Attorney General of the United States has established the principle of Vattel, that, *when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, and rivers;* of course when Great-Britain ceded East and West Florida, it equally ceded the *lands, lakes, and rivers* to which it had a right in the said provinces. By this same principle of Mr. Pickering, as no mention was made of the rivers Apala-

chicola, Mobile or Alabama, and others, the United States might with as much propriety ſuppoſe themſelves authorized to recognize a right to their navigation in favour of Great-Britain. France might equally claim a right to the navigation of the Miſſiſippi, as in the act of ceding New-Orleans to Spain, ſhe does not expreſsly renounce the navigation of ſaid river. On the very ſame principle the United States might ſuppoſe themſelves authorized to recognize a right to France to the navigation of the river St. Laurence: the caſe is identically the ſame, France has not an inch of land on its banks, England has not a ſpot on thoſe of Miſſiſippi. The river St. Laurence neither takes its riſe, nor runs, or empties itſelf in the poſſeſſions of France; the Miſſiſippi neither riſes, nor runs, or empties itſelf in the dominions of Great-Britain. France *had once* a right to the navigation of the river St. Laurence, becauſe ſhe had poſſeſſions on its banks: England likewiſe *had once* a right to the navigation of the Miſſiſippi, becauſe ſhe had poſſeſſions on its borders. In the ceſſion of Canada no mention is made of the river St. Laurence, although mention is made of its iſlands: in the ceſſion of the Floridas no mention is likewiſe made of the Miſſiſippi; thus then, I repeat, the caſe is identically the ſame. Now, Mr. *Native American*, if the United States were to *require or acknowledge*, although they did not *grant*, to France a right to navigate the river St. Laurence, would not England, with great reaſon be highly offended? Would ſhe not look upon this act of the United States as an outrage? If ſo, why ſhould not Spain look upon herſelf as groſsly injured by the acknowledgement of a right as injurious to the ſubjects of Spain as it is to the citizens of America? I again repeat the quotation of Vattel, "when a nation takes poſſeſſion of a country, in order to ſettle there, it poſſes every thing included in it, as lands, lakes, rivers." Mr. Pickering continuing in the language and ſtile of an advocate for Great-Britain, inſtead of uſing that which becomes the Secretary of State of a nation which calls itſelf neutral, ſpeaking whether the Engliſh poſſeſſions touch on the Miſſiſippi or not, adds, "and probably no one can now ſay they do not." I, Mr. *Native American*, can aſſure you *they do not*, and if Mr. P—— had been attentive to the progreſs of Geography, and was even acquainted, as it is his duty, at leaſt with that of his own country, he would know, as well as me, *that they do not*. The laſt diſcoveries of M'Kenzie, and the Map publiſhed in London 18 months ago, by Mr. A. Arrowſmith, fully prove the origin of the Miſſiſippi to be in the *White Bear Lake*, and that from this point its courſe does not run through any Britiſh poſſeſſion. If it were neceſſary to produce any new teſtimony in addition

to the foregoing, I would not ſeek it among foreigners: At Milford, in Connecticut, there actually lives a Mr. Peter Pond, who was employed 17 years in the ſervice of the Hudſon Bay company; he has gone over and examined particularly all thoſe regions; he has been at the very ſource of the Miſſiſippi, namely, the *White Bear Lake*, and has made out a valuable Map, which he yet preſerves in manuſcript, and which confirms that the Engliſh have not a foot of land on the Miſſiſippi. With theſe proofs, Mr. *Native American*, (notwithſtanding Mr. Pickering's doubts, which are perhaps voluntary) I think I can ſafely aſſure you, *they do not*.

Mr. *Native American*, the proſperity of the United States depends on peace, and peace on a ſtrict neutrality; let us be juſt and we ſhall be reſpected. *Honeſty is the beſt policy*, and ſurely the contents of my former letter, as well as thoſe of the preſent one, evidently prove that our adminiſtration has neither acted with juſtice or honeſty towards Spain. The clamours reſpecting the momentary ſuſpenſion of the leaſt eſſential part of the treaty, have been inceſſant, when in reality, at the very moment Spain held out a friendly and liberal hand to us, we have repaid this act of generoſity with ingratitude, *recognizing to her enemy a claim to a pretended and unjuſt right*. The friendſhip of Spain ought to be dear to us, as from a good underſtanding with her may reſult a commercial treaty, which would at the ſame time vivify and ſupply her colonies and open an extenſive field for the proſperity of our navigation and commerce. The unjuſt proceeding of the adminiſtration is not ſurely the method of obtaining an object we ought all anxiouſly to wiſh for. If the adminiſtration acts with juſtice and equity it is the duty of every good American to ſupport it; but I obſerve with much regret that many of my fellow-citizens, daily confound the *miniſters*, or the *adminiſtration* with *government*, and think they ſupport the latter, when in fact they ſupport the adminiſtration. If miniſters, animated either by the ſpirit of party or by other views, proceed in their meaſures with injuſtice, it is neceſſary to attack the *adminiſtration* in order to ſupport the *government*; for the adminiſtration can in many inſtances be as much the enemy of the government as merchants are often the greateſt enemies of commerce.

I hope, Mr. *Native American*, you will be pleaſed to favor me with an anſwer on the different points contained in this letter, as I ſhall look on your ſilence to be an implicit confeſſion of the impoſſibility you find therein. Although the various ſubjects contained herein are ſuſceptible of greater elucidation, I have adhered ſolely to the moſt prominent points in

order to facilitate your anſwer, and that the public may thoroughly inveſtigate the ſubject.

VERUS.

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## (No. 18.)

*The Secretary of State, to the Chevalier de Yrujo.*

Department of State, Philadelphia, Jan. 20th, 1798.

SIR,

AS your letters of the 9th of October and 21ſt of November laſt, contained no new matter of any conſequence, and a freſh diſcuſſion of the points in diſpute would require, on my part, only a recurrence to arguments formerly and concluſively urged, the general impreſſion on my mind was, that it would not be neceſſary to give them a formal reply; whatever notice it might be proper to take of them in a report to the Preſident of the United States. Nevertheleſs, I will now trouble you with a few obſervations.

A conſideration of the papers heretofore laid before Congreſs, relative to the affairs on the Miſſiſippi, of others ſince received from thence, in conjunction with your letter of the 9th of October and its incloſures, convinces me that the conduct of Mr. Ellicott and Lieutenant Pope has been neither "ſcandalous" nor "inſulting" towards the Spaniſh officers in that country; and that if any undue zeal or intemperance has been manifeſted by either in maintaining the juſt Rights of the United States,—the meaſures adopted by thoſe officers to evade the execution of the Treaty between the United States and Spain, have been the cauſe. It is by this courſe of conduct in the Spaniſh officers that the King, their maſter, has been diſhonoured, and not by the actions of the officers of the United States. I may, doubtleſs, be juſtified in ſaying, that their detention of the Poſts and delays to run the boundary line, have been unauthorized by the King. It is certain that neither of thoſe Spaniſh officers has ever intimated an order from their government as a warrant or an apology for their proceedings.

In your letter of the 21ſt of November, you recur to the ſeveral topics of your letter of the 6th of May, 1797; but exhibit no new argument on the points really in diſpute. You barely mention the ſubject of the articles contraband of war, and the principle that free ſhips make free goods. The ſtipulations

of the United States on theſe points, in their Treaty of 1794, with Great-Britain, were fully juſtified in my anſwer of the 17th of May to your letter of the 6th. If any thing further were neceſſary, I would ſay (what I then mentioned as not to be doubted) that the Spaniſh government voluntarily entered into the different ſtipulations with the United States, when it poſſeſſed full knowledge of our ſtipulations in the Commercial Treaty with Great-Britain; having in its hands the Treaty itſelf; and having alſo ratified its Treaty with the United States ſix months afterwards; which the Spaniſh government would have been juſtified in refuſing, had there been any deception, any want of good faith on theſe points, on the part of the United States; but of which not a ſhadow of proof can be adduced.

The ſame obſervations apply to the other ſubject of your letter,—the navigation of the river Miſſiſippi; but with greater force; for, as I ſhowed in my letter of the 17th of May, when the Prince of Peace propoſed a mutual ſtipulation to exclude the Britiſh from the navigation of the Miſſiſippi, Mr. Pinckney rejected it, and explicitly, becauſe it would violate the Faith of the United States previouſly pledged to Great-Britain; and the projected Article of the Prince of Peace was altered accordingly. Yet you now introduce thoſe previous ſtipulations as ſubjects of complaint againſt the United States! It is true, you alſo mention the ſubſequent explanatory article of the 4th of May 1796, which is added to the Treaty of amity commerce and navigation of 1794, with Great-Britain: but it is equally true that this contains no new ſtipulation, that it recognizes the principle that no ſubſequent Treaty can make void prior engagements (and, therefore, that this explanatory Article of 1796, cannot in the ſmalleſt degree affect the prior Treaty of 1795 with Spain) and that Britiſh ſubjects, the Citizens of the United States, and the native Indians, ſhall enjoy full liberty of paſſage, intercourſe and commerce with each other, "*according to the ſtipulations of the third article of the Treaty of amity, commerce and navigation.*" So that this explanatory article goes not beyond, but is poſitively confined within the limits of the third Article of the Treaty of 1794; which, preceding, in order of time, the Treaty with Spain, by more than eleven months, and being alſo at the concluſion of the Spaniſh Treaty perfectly well known to its Government; it cannot, conſequently, afford to Spain the ſlighteſt ground of complaint.

I paſs unnoticed your lengthy quotation from the Opinion of Mr. Randolph, Attorney General of the United States in 1793, and your obſervations upon it; becauſe neither one nor the other touch the eſſential point in diſpute between us.

As to the queſtion in the laſt paragraph of your letter, I am authorized to ſay, That the United States are not concerned to vindicate the claim of Great-Britain to the navigation of the river Miſſiſippi. What was ſaid on this ſubject in my letter of the 17th of May, was in conſequence of your having entered into an examination of the Britiſh title to this navigation; and I ſaid expreſsly, that I did not conceive it eſſential to the ſubject we were then diſcuſſing: I merely followed you. Our ſtipulation amounts only to this, that the United States ſhall not obſtruct the navigation of the River by Britiſh ſubjects. If Great-Britain demands and obtains it; or if Spain admits her claim, as ſhe has reſerved the right to do, in the 4th Article of her treaty with the United States, the latter cannot oppoſe it; and if the Britiſh veſſels and Boats do navigate the Miſſiſippi, we are bound to admit them into our ports on the eaſtern bank of that river. Whether this admiſſion would be advantageous or injurious to the United States, it belonged to them only to judge: they have not aſked, nor will they have occaſion to aſk Spain to be the guardian of their Rights and Intereſts on the Miſſiſippi: they only deſire, in this reſpect, that ſhe would faithfully perform her own engagments ſanctioned by a ſolemn Treaty.

I am, Sir,

Your obedient ſervant,

TIMOTHY PICKERING.

## (No. 19.)

*Extract of a letter from Mr. Pickering, Secretary of State, to Mr. Ellicott, dated Department of State, July 14th, 1797.*

"ON the 8th of June I received by Mr. Knox your diſpatches dated the 14th of April, which were laid before Congreſs on the 12th of June, and on the 29th of June, I received by captain Hunter, your diſpatches dated the 10th of May, which on the 3d of July, were alſo laid before Congreſs, together with the diſpatches from Captain Pope to the Secretary of War. Theſe communications to Congreſs appear in the incloſed pamphlets.

With reſpect to the important buſineſs with which you are charged, the repeated promiſes, followed by as often repeated failures to enter upon it, by the Spaniſh governors, with other

circumſtances, afford too much reaſon to believe that there is an intention to poſtpone it. Nevertheleſs, the Preſident is of opinion, and directs that you ſhould remain at the Natchez, and always hold yourſelf in readineſs to commence the running of the boundary line between the territories of the United States and of his Catholic Majeſty. You will endeavour, in concert with Governor Gayoſo, or other proper officer of his Catholic Majeſty, to fix a time when this work of aſcertaining the boundary line ſhall commence. This endeavour may be renewed as often as you ſhall think fit. Great care ſhould be uſed to give no juſt cauſe of offence to the Spaniſh Government. What will be the final reſult of its meaſures is uncertain; but if war ſhould follow, it will be of the laſt importance that the United States ſhould not be the aggreſſors. The Preſident, therefore, deſires that your conduct ſhould be perfectly guarded, moderate, and prudent."

## (No. 20.)

*Extract of a letter from Mr. Pickering, Secretary of State, to Mr. Ellicott, dated Department of State, Philadelphia, Auguſt 30, 1797.*

"YOUR expreſſes, Mr. Bean and Mr. Robins, arrived here on the 24th inſtant, and delivered me your two letters of June 27th. The ſame day I received your letters of May 27th and June 4th and 5th.

The Baron de Carondelet's proclamation of the 24th of May, incloſed in your letter of June 4th, abandons almoſt all the former pretences for retaining the poſts, which he ſays "is occaſioned only by the imperious neceſſity of ſecuring Lower Louiſiana from the hoſtilities of the Engliſh, who have ſet on foot (without regard to the inviolability of the territory of the United States) an expedition againſt Upper Louiſiana." By my former diſpatches covering the printed reports and documents, you will have ſeen that this expedition had never any exiſtence. This is more fully ſhown in my letter of the 8th inſtant, to the Chevalier de Yrujo, now incloſed. And my anſwer to him about the navigation of the Miſſiſippi, and the articles of our treaties with with Great-Britain concerning it, alſo among the printed documents, demonſtrates that in thoſe ſtipulations we have not departed from the ſtricteſt line of good faith towards

Spain; that we have granted nothing in reſpect to the navigation of the Miſſiſippi, to Great-Britain; and that the ideas the United States entertained on that ſubject, were perfectly known and underſtood by the government of Spain, when our treaty with Spain was concluded; and that there is nothing contradictory between the two treaties, the Britiſh and Spaniſh.

As therefore the Baron de Carondelet has not a ſhadow of foundation to ſuſpect an expedition by the Britiſh againſt Upper Louiſiana, as the American government has formally declared to the Britiſh Miniſter, for the information of his government, that we will ſuffer the march of neither Britiſh nor Spaniſh troops through our territory, for the purpoſe of hoſtility of one againſt the other; as, finally, the Britiſh themſelves (as you will ſee in Mr. Liſton's letter among the printed documents) declare they never had formed ſuch a plan of an expedition, and acknowledged that its execution would violate our territorial rights—for theſe reaſons, on the principles of his proclamation the Baron ought immediately to evacuate the poſts and territory of the United States.

Theſe obſervations will alſo apply to the Baron's proclamation of the 31ſt of May, in which, however, he takes ſomewhat new ground. What "ſecurity" can the United States give, or rather what will the Baron deem a "ſecurity" againſt a deſcent of the Engliſh by the Miſſiſippi?

If the facts and aſſurances already ſtated and given on the part of the United States do not ſatisfy, nothing can.

With reſpect to any hoſtile intentions of the United States towards Spain, as intimated by the Baron in this laſt proclamation, nothing is more unfounded. The march of the troops to Teneſſee from the Ohio, is for the ſole purpoſe of eſtabliſhing a force in that country to reſtrain the inhabitants or other citizens from aggreſſions againſt the Cherokees, and eſpecially to prevent a forced ſettlement, which was threatened, on the Indian lands, and any orders to the Cumberland militia to hold themſelves in readineſs, can be only for the object of preventing encroachments on the Indian lands, and to preſerve peace. If we meditated an attack againſt the Spaniards on the Miſſiſippi we ſhould certainly contemplate an eaſier route than by a wilderneſs of many hundred miles in extent, through which the tranſportation of ſtores and proviſions would be impracticable; or of ſuch extreme difficulty and boundleſs expence, as folly alone would attempt.

I have now only to notice the general commotion at the Natchez, among the inhabitants, againſt the Spaniſh government, which ſeems to have been quieted very much by your prudent management. This line of conduct, caution, prudence,

moderation—ſo as by all means to avoid the poſſibility of a charge of aggreſſion againſt the United States—you will ſee in my letter of the 14th of July, was ſpecially enjoined by the Preſident. And a perſeverance in the ſame courſe I truſt will eventually iſſue in a peaceable adjuſtment of the diſputes now ſubſiſting, reſpecting the poſts, the country where they are ſituated, and the navigation of the Miſſiſippi. The pacific views of the United States and their good faith are not to be doubted, and it is clear as demonſtration can make it, that the Baron has nothing to apprehend from the Britiſh from Canada: and conſequently that he has now no cauſe or pretence for retaining the poſts, or for delaying to run the boundary line."

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